



**Annexation, Zone Change and Minor Partition Application**  
**TYPE IV STAFF REPORT AND RECOMMENDATION**  
*November 19, 2018*

**HEARING DATE:** Monday, November 26, 2018, 7:00 pm  
City Hall, Commission Chambers  
625 Center Street, Oregon City, OR 97045

Application Submitted: 08/06/2018  
Application Complete: 08/16/2018  
120-Day Decision Deadline: 12/28/2018

**FILE NUMBER:** GLUA-18-00020  
Zone Change: ZC-18-00004  
Minor Partition: MP-18-00004  
Annexation: AN-18-0002

**APPLICANT:** Gregory Dean Cunningham  
14530 S Maplelane Rd  
Oregon City, OR 97045

**OWNER:** Same as Owner

**REPRESENTATIVE:** Debbie Cleek, The Bookin Group  
1140 SW 11<sup>th</sup> Ave, Ste. 500, Portland, OR 97205

**REQUEST:** The applicant is seeking approval for the annexation of a 0.76 acre property into the city limits of Oregon City. The site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of Low Density Residential. The applicant is also seeking approval for a Zone Change from Clackamas County Future Urban 10-Acre (FU-10) Zone to "R-6" Single-Family Dwelling District and a Minor Partition of thee (3) lots.

**LOCATION:** 14530 S Maplelane Rd, Oregon City, OR 97045  
Clackamas County APN: 3-2E-04DB-00500

**REVIEWER:** Pete Walter, AICP, Planner  
Sang Pau, Development Services

**RECCOMENDATION:** Approval with Conditions.

**PROCESS:** The procedure for review of annexations is governed by State Law and the Oregon City Municipal Code. The public hearing process is governed by OCMC 14.04 and 17.50. The planning commission shall conduct a public hearing in the manner provided by OCMC Section 17.50 to evaluate the proposal and make a recommendation to the city commission regarding how the proposal has or has not complied with the factors and criteria. The planning commission shall provide findings in support of its recommendation. Upon

receipt of the planning commission's recommendation, the city commission shall hold a public hearing in the manner provided by OCMC Section 17.50.170(C).

Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and must be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. At the evidentiary hearing held before the planning commission, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within ten days of the issuance of the final decision then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. The city commission decision is the city's final decision and is appealable to the land use board of appeals (LUBA) within twenty-one days of when it becomes final.

Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the Planning Commission hearing, in person or by letter, with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue.

The applicant and all documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 698 Warner Parrott Road, Oregon City, Oregon 97045, from 8:30am to 3:30pm Monday thru Friday. The staff report, with all the applicable approval criteria, will also be available for inspection 7 days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance.

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

**RECOMMENDED CONDITIONS OF APPROVAL**  
**PLANNING FILES ZC-18-00001 / MP-18-00004 / AN-18-00002**

*(P) = Verify that condition of approval has been met with the Planning Division.*

*(DS) = Verify that condition of approval has been met with the Development Services Division.*

*(B) = Verify that condition of approval has been met with the Building Division.*

*(F) = Verify that condition of approval has been met with Clackamas Fire Department.*

1. The applicant shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the Property. This agreement shall be recorded by the City with a fee provided by the applicant. (DS)
2. The applicant shall demonstrate compliance with all Oregon City Public Works standards. (DS)
3. The applicant shall obtain all permits required for work within the right-of-way of Maplelane Road from Clackamas County. (DS)
4. All pavement cut and restoration activities within Oregon City right-of-way shall be performed in accordance with the City of Oregon City Pavement Cut Standards. (DS)
5. The applicant shall dedicate right-of-way (ROW) along the frontage of Maplelane Road to match the ROW width along the frontage of the adjacent property to the west. (DS)
6. Frontage improvements along Maplelane Road shall be approved by Clackamas County. The applicant shall provide evidence of Clackamas County approval for the design of frontage improvements along Maplelane Road. (DS)
7. Curb radius at the intersection of Maplelane Road and Clearwater Place shall meet Clackamas County requirements. (DS)
8. Frontage improvements along Clearwater Place shall consist of a 0.5-foot-wide buffer, 5-foot-wide sidewalk, 4.5-foot-wide planter strip and a 0.5-foot curb with gutter. (DS)
9. The driveway off Clearwater Place shall be relocated so that the nearest portion of the driveway is 25 feet from the new right-of-way of Maplelane Road. (DS)
10. The applicant is responsible for compliance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application. (DS)
11. The applicant shall provide a stormwater plan and report which is signed and stamped by a licensed engineer addressing all items from the Sections 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards.
12. The workmanship and materials for the construction of all stormwater facilities shall be in compliance with the current edition of the Stormwater and Grading Design Standards adopted August 18, 2015. (DS)
13. The applicant shall submit a final site Residential Lot Grading Plan adhering to the City's Residential Lot Grading Criteria. (DS)
14. All grading of building sites shall conform to the State of Oregon Structural Specialty Code, Chapter 18 and the requirements of the Oregon City Municipal Code and the Public Works Stormwater and Grading Design Standards. (DS)
15. The applicant shall obtain an Erosion control permit prior to commencement of any construction activities. (DS)
16. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan. (DS)
17. The applicant shall relocate the existing street light at the corner of Maplelane Road and Clearwater Place so that it does not conflict with required street improvements along Maplelane Road. The applicant shall submit a photometric plan with the construction plan submittal and provide additional street lights along the frontage of the property as deemed necessary by the City. (DS)
18. The applicant shall make all necessary arrangements with utility companies and other affected parties for the installation of underground lines and facilities. Electrical lines and other wires,

- including but not limited to communication, street lighting and cable television, shall be placed underground. (DS)
19. The applicant shall provide a performance guarantee which is equal to 120% of the estimated cost to construct all public improvements shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. (DS)
  20. The applicant shall contribute \$219 for a proportional share for the improvement cost planned for the intersection of Highway 213/Beavercreek Road. (P)
  21. The applicant shall ensure that any new homes on Parcel 1 and 2 are oriented to Maplelane Road, with the most architecturally significant façade facing Maplelane Road and the front setbacks measured from Maplelane Road. Maplelane Road shall be identified as the front façade for fencing purposes. (P)
  22. The applicant shall finalize the tree removal and mitigation options through the submittal of planting proposal or payment of fee-in-lieu pursuant OCMC 17.41 prior to recordation of a final plat for the property. Prior to submitting an application for grading permit, the applicant shall indicate where and how existing or mitigated trees will be protected through a covenant and provide a fee-in-lieu calculation. Fee-in-lieu payment shall occur before the site is platted. Prior to any construction on Parcel 1 or 3, tree #106 which will be remaining on site shall be protected with perimeter fencing and signage meeting the requirements above. Additionally, if the applicant chooses to keep tree #107 it shall also be protected during construction. It is anticipated that the three trees on Parcel 2 that will remain (#109, #110 and #111) will be far enough away from the construction activities that protective fencing will not be necessary. The applicant shall add the language of code section 17.41.130 to all applicable construction plans. The community development director may approve any alternative tree mitigation options permitted under OCMC 17.41 that may be necessary due to changing site conditions following final plat recordation. (P)
  23. Prior to issuance of a Certificate of Occupancy of any building permits the applicant shall plant all required mitigation trees and record a permanent, protective covenant or easement on all properties with new or existing trees planted on private property in a form acceptable to the City for each lot with existing or mitigation trees. (P)
  24. The applicant shall request a visual inspection by Planning Division staff before tree removal or grading on site commences to ensure that proper protection measures are in place on site. (P)
  25. Final review of street tree placement will occur during civil plan review and shall comply with the standards in OCMC 12.08. The applicant shall modify the street tree plan to ensure adequate numbers and spacing. The applicant shall demonstrate that the spacing and species are appropriate according to the City's street tree list or by a certified arborist. The species will be street trees from the Oregon City Street Tree List (or approved by a certified arborist). If there are remaining trees that cannot be planted for spacing reasons, the applicant shall pay fee in lieu for prior to platting. (P)The site shall annex into the Tri City Service District (DS).
  26. The property should be withdrawn from Clackamas River Water District. (DS)
  27. The property shall be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon annexation. (P)

## **I. BACKGROUND:**

### **1. Existing Conditions**

The site and neighboring lots are somewhat rural in character but are transitioning to more urban densities. The subject parcel is located at the corner of S Maplelane Road, a Clackamas County Minor Arterial and Clearwater Place an Oregon City Local Street. The subject parcel is surrounded on the west by the Maplelane subdivision and on the south by the Walnut Grove Estates subdivision, both of which are within Oregon City and developed at R-6 zoning density with single-family houses. The parcel east of the property (across Clearwater Place) is still in unincorporated Clackamas County and developed with a single-family house and several accessory buildings. All of the properties north of the site (across Maplelane Road) are also located in unincorporated Clackamas County and are developed at a rural density. Both the properties to the east and north are within the Urban Growth Boundary and have the FU-10 (Future Urban) zoning designation, so they would have the opportunity to annex into Oregon City and be developed at a higher density in the future.

The entire 0.77-acre site is primarily flat, with a slight slope down toward the west. The site is developed with a single-family house and attached garage built in 1966 as well as a large shed on the eastern edge of the property. An asphalt pull-through driveway currently provides vehicle access to both Maplelane Road and Clearwater Place. There are several large trees (both evergreen and deciduous) on site, as well as a row of smaller fruit trees on the western edge of the site and several large shrubs.

Maplelane Road classified as a Minor Arterial on the Oregon City Transportation System Plan. The section abutting the property is currently under Clackamas County jurisdiction. It is a 60-foot wide right-of-way developed with a paved surface providing two vehicle travel lanes and a wide shoulder, but no formal bike lane or sidewalk along the site frontage. The developed properties west of the subject site do have a sidewalk, and it is anticipated that this sidewalk would be continued across the subject property with this development. Clearwater Place is a 40-foot wide right-of-way developed with a paved surface and a sidewalk and planting strip on the west side along the site frontage.

The site is not on or near any natural hazards identified by either Clackamas County or the City (such as wetlands, floodplain or steep slopes). Additionally, the site is not near any open space, scenic, or natural resource areas that would be affected by the proposal. There is no historic designation on or near the property. Several large trees exist on the site and their health and species are inventoried in the Arborist Report submitted with this application (Exhibit D). None of these trees are designated as heritage trees or groves.

The parcel is currently served by Clackamas River Water via a 16-inch water main located in Maplelane Road. There is also a 12-inch abandoned Clackamas River Water main along the site frontage. Oregon City water mains are located just to the west of the property in Maplelane (a 12-inch main) and in Clearwater Place along the property frontage (also a 12-inch main). It is anticipated that these mains would be looped together as part of this application, to provide water service to the subject property. If necessary, the existing house will connect to the City water main in Maplelane Road after annexation.

The parcel is not currently served by sanitary or storm water management facilities, though the site would be annexed into the Tri-City Service District upon approval of the annexation into the City. An 8- inch sanitary sewer is line is located in Clearwater Place and is available to serve the site. Likewise a 12- inch storm sewer main in also located in Clearwater and can provide stormwater management for the subject

property.

AN-18-00002 / ZC-18-00001 / MP-18-00004

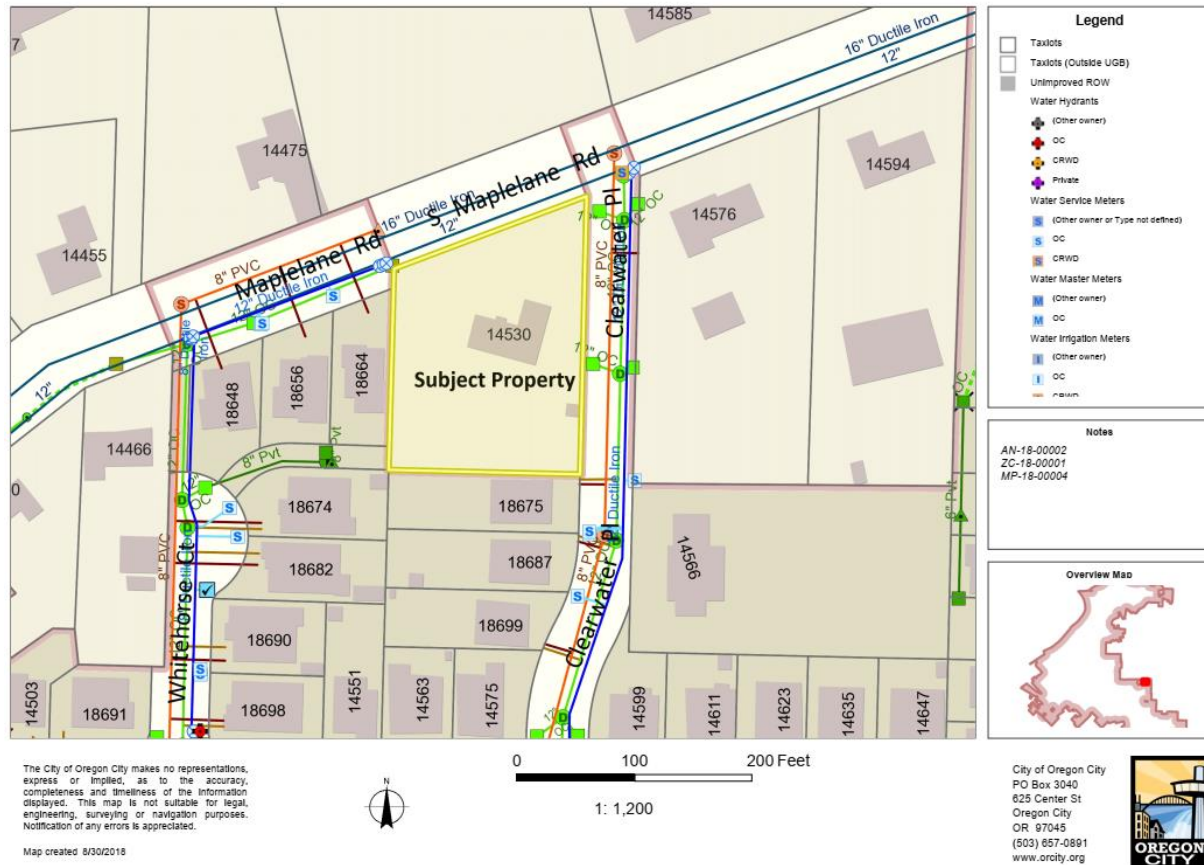


Figure 1. Vicinity Map

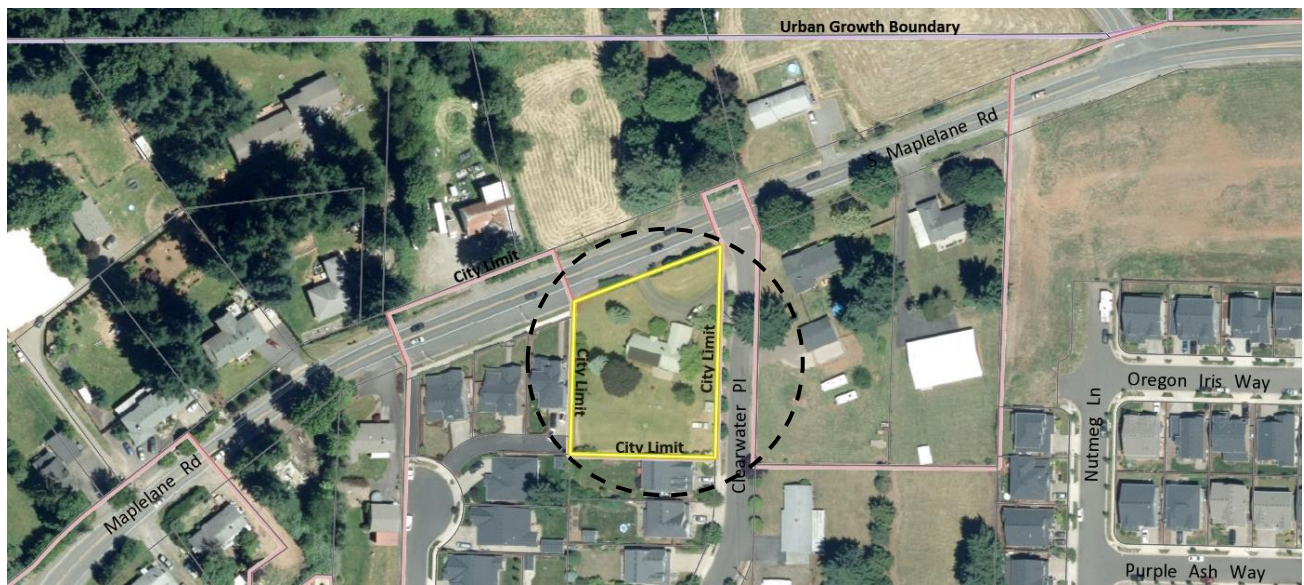
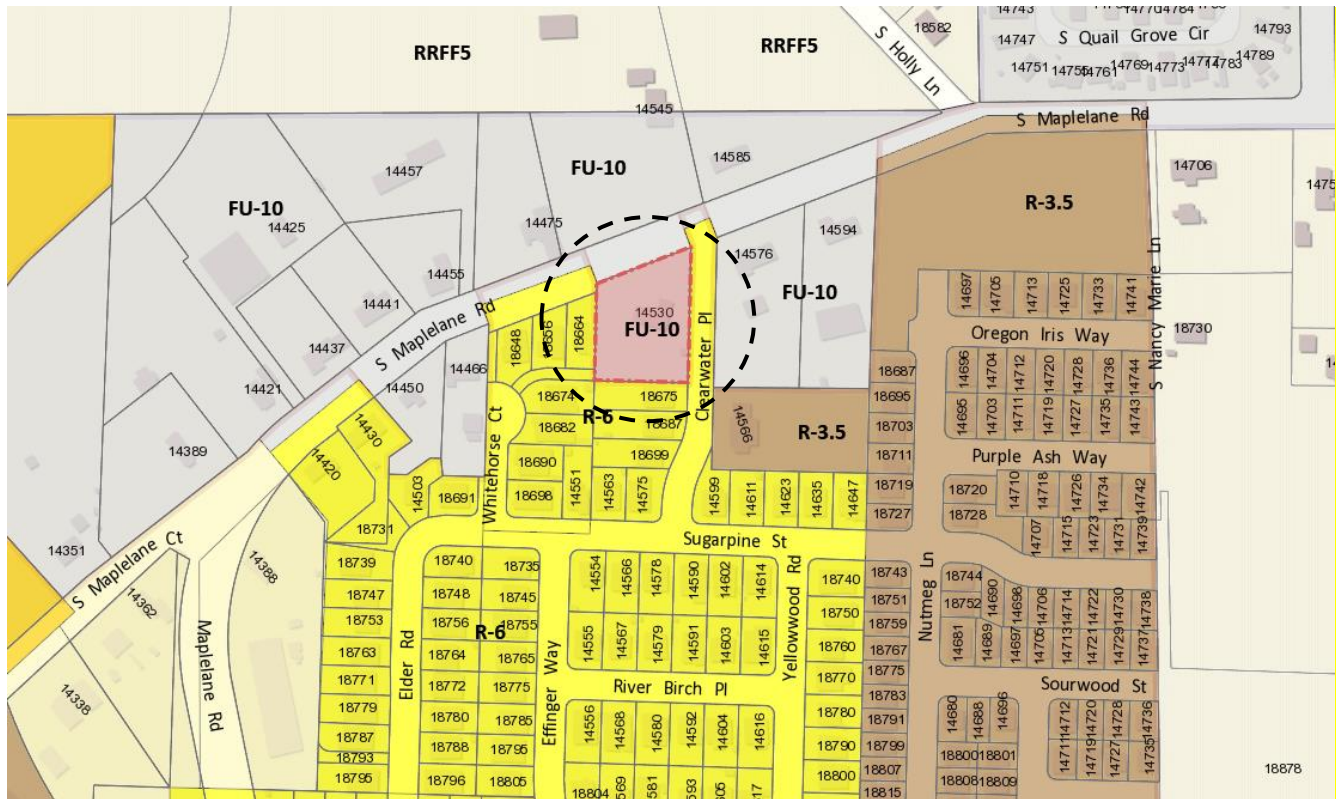


Figure 2. Aerial Photo





## 2. Project Description

The applicant is seeking to annex one parcel into the City of Oregon City from Clackamas County and concurrently re-zone the property from the County designation of FU-10 (Future Urban) to R-6 (Single-Family Dwelling Zone). The properties directly adjacent to the subject property on the south and west are currently zoned R-6, as is Clearwater Place to the east of the subject property. Additionally, the property is located within the Urban Growth Boundary with an Oregon City Comprehensive Plan designation of LR (Low Density Residential).

In addition to the Annexation and Zone Change, the applicant is requesting preliminary approval of a land division for the property to partition it into three parcels for the future development of two new single-family houses. Parcel 1 will be approximately 6,002 square feet and will take access off of Clearwater Place via a 10 foot wide access easement across proposed Parcels 2 and 3. Parcel 2 will be approximately 14,153 square feet and will contain the existing house and driveway. Parcel 3 will be approximately 10,347 square feet and will also take access from Clearwater Place. Additionally, an approximately 2,631 square foot dedication along Maplelane Road will be provided to allow the continuation of the curb and public sidewalk along the property frontage.

Water service to the future parcels will be obtained by connecting to the Oregon City water mains located in Maplelane Road and Clearwater Place. These water mains will be connected with a water main extension in Maplelane Road to provide a continuous, looped system. Sanitary service for the parcels will be obtained by connecting to the existing sewer main in Clearwater Place. Stormwater disposal will be obtained by connecting to the public storm sewers located in Maplelane Road and Clearwater Place.

Figure 4. Existing Conditions

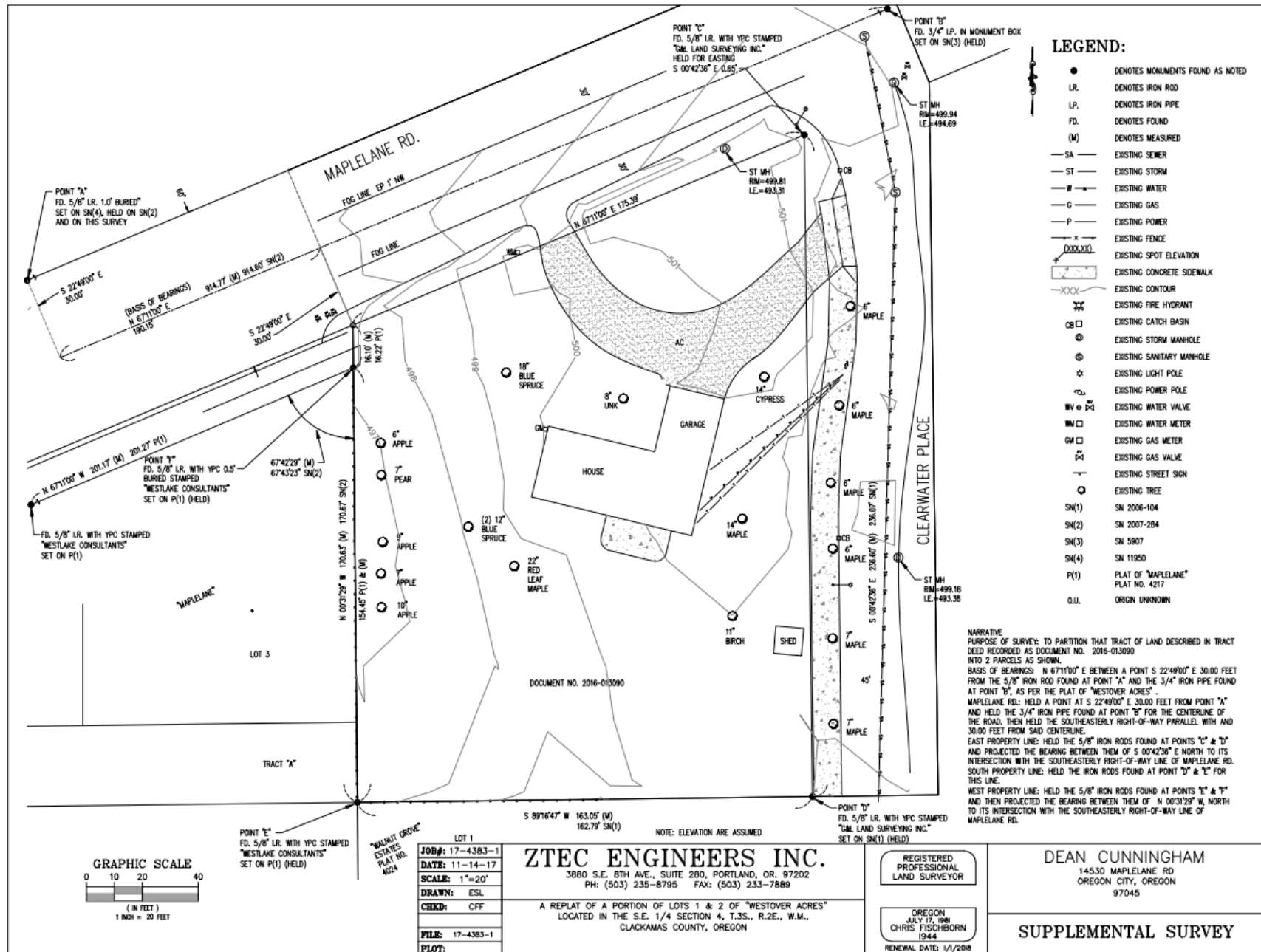




Figure 5. Partition Layout

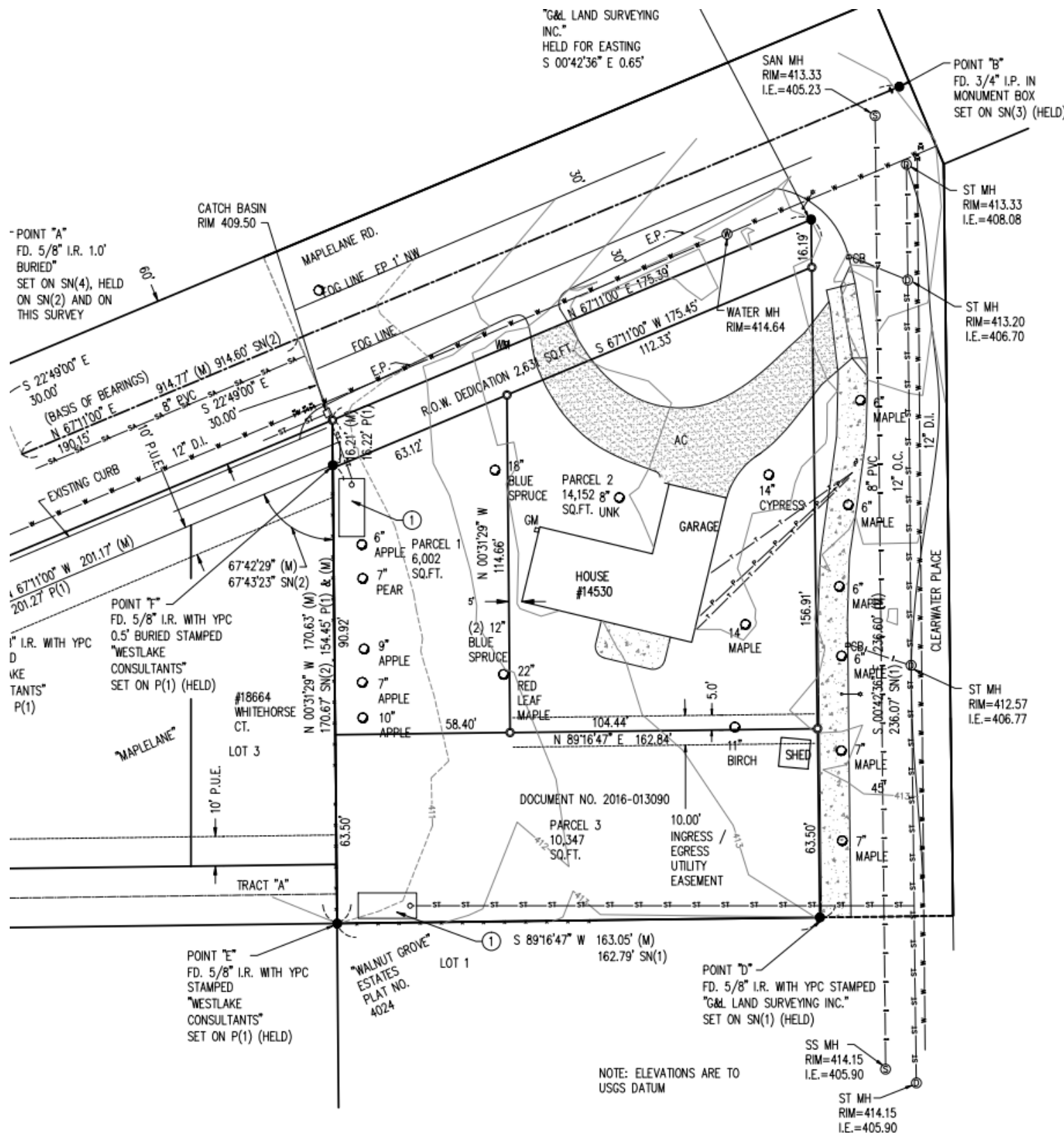
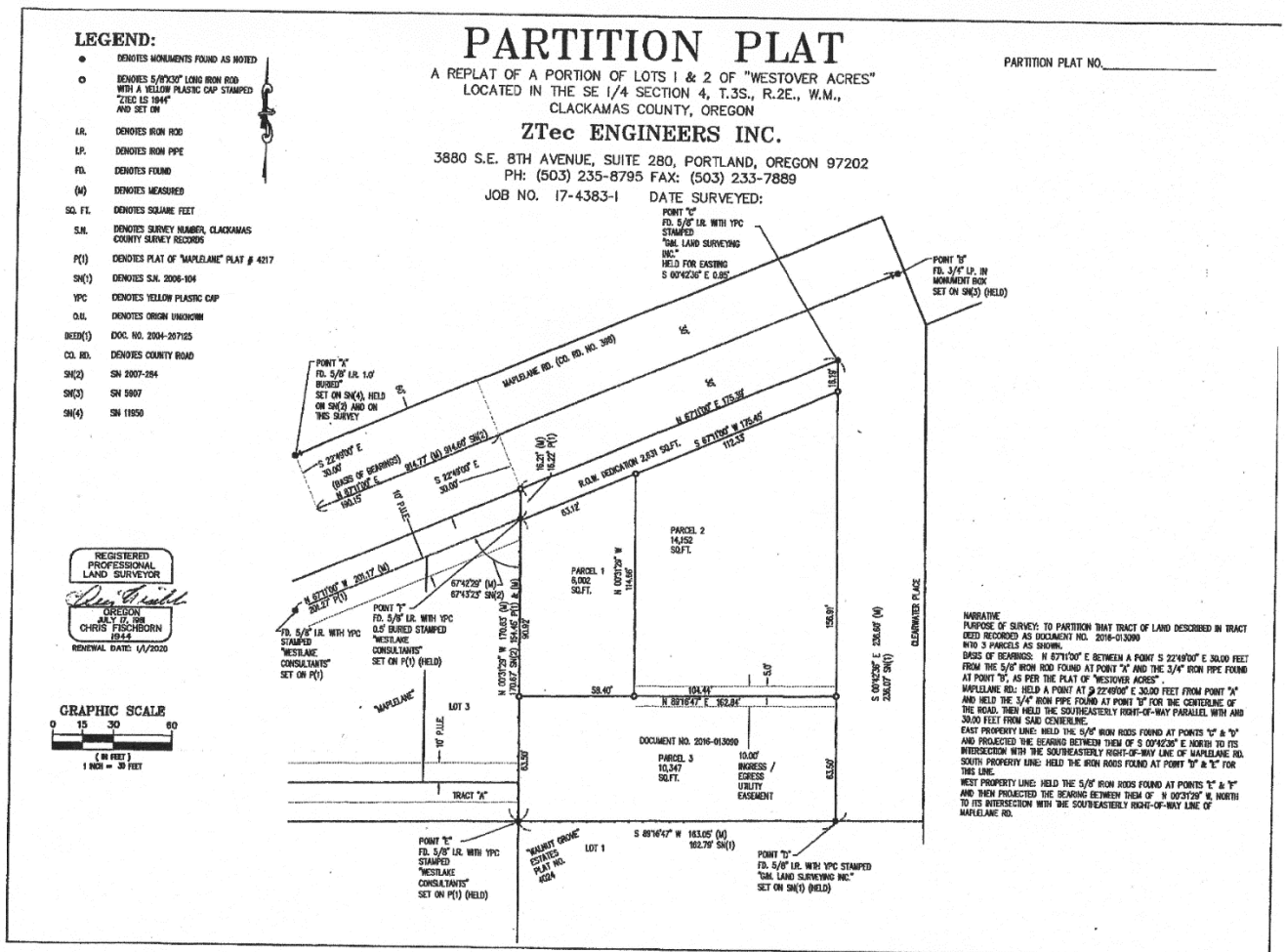


Figure 6. Preliminary Plat



3. **Municipal Code Standards and Requirements:** The following sections of the Oregon City Municipal Code are applicable to this land use approval:

- 12.04 - Streets, Sidewalks, and Public Places
- 12.08 - Public and Street Trees
- 13.12 - Stormwater Management
- 14.04 – City Boundary Changes and Extension of Services
- 15.48 - Grading, Filling and Excavating
- 16.08 - Subdivisions-Process and Standards
- 16.12 - Minimum Improvements and Design Standards for Land Divisions
- 17.12 - R-6 Single Family Dwelling District
- 17.41 – Tree Protection
- 17.47 - Erosion and Sediment Control
- 17.50 - Administration and Procedures
- 17.68 – Zone Change
- 17.54.100 – Fences

The City Code Book is available on-line at [www.oregocity.org](http://www.oregocity.org).

**4. Permits and Approvals:** The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

**5. Notice and Public Comment**

Notice of the proposal was sent to various City departments, affected agencies, property owners within 300 feet, and the Neighborhood Association. A public notice was also published in the Clackamas Review / Oregon City News on September 19, 2018. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property.

The following comments were received prior to issuance of this staff report and are attached hereto.

*Clackamas County Planning*

The County has no comments on the proposal.

*Clackamas River Water (CRW)*

CRW indicated that the parcel should be withdrawn from CRW's Service District Boundary. CRW will coordinate with the City of Oregon City on the Maplelane Rd construction plan review regarding the transferring or abandonment of the water service.

*Oregon City School District (OCSD)*

Wes Rogers, OCSD Operations Director, indicated that all public schools for this property have capacity to accommodate any students that eventually may reside at this address.

*Tri-City Service District (TCSD)*

Erik Carr, Development Review Specialist with TCSD provided comments to inform the applicant that, in order to receive sanitary sewer service, they must annex into both the City of Oregon City and the Tri-City Service District. TCSD attached the TCSD annexation packet.

Comments of the Public Works Department and Development Services Division are incorporated into this report and Conditions of Approval. None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

## **II. ANALYSIS AND FINDINGS:**

### **ANNEXATION ANALYSIS**

#### **CHAPTER 14.04 – CITY BOUNDARY CHANGES AND EXTENSION OF SERVICES**

*OCMC 14.04.050 – Annexation Procedures*

*A. Application Filing Deadlines. Annexation elections shall be scheduled for March, May, September and November of each year. Each application shall first be approved by the city commission, which shall provide a valid ballot title in sufficient time for the matter to be submitted to the voters as provided by the election laws of the state of Oregon.*

**Finding: Complies as proposed.** In accordance with Senate Bill 1573, which went into effect March 16, 2016 and, "applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city," the following criteria found in Section 2 and 3 of Senate Bill 1573 have been addressed to determine the territory's support for annexation.

*SB 1573 - Section 2. (2)*

*Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:*

*(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015*

**Finding: Complies as proposed.** 100% of the land owners have signed the annexation petition. This petition is included in the application materials, which has been certified by the Clackamas County Assessor's Office. The territory is included within the Portland Metropolitan UGB.

*(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city.*

**Finding: Complies as proposed.** The subject property currently has an Oregon City Comprehensive Plan designation of Low Density Residential (LR), which includes the R-10, R-8, and R-6 zoning districts.

*(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water.*

**Finding: Complies as proposed.** As shown on the preliminary plans, and the certified legal description and map included in the application materials, the subject property line is contiguous to City limits.

*(d) The proposal conforms to all other requirements of the city's ordinances.*

**Finding: Complies as proposed.** All required information, forms, and documents found in Oregon City's "Annexation Application Submittal Checklist" have been included in the application materials. A further analysis of compliance with applicable requirements is provided.

*SB 1573 - Section 2. (3)*

*The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city.*

**Finding: Complies as proposed.** The territory to be annexed includes right-of-way that must be annexed in order to locate future infrastructure and right-of-way access for services necessary for the territory to meet development requirements. Access is available from S Maplelane Road and the abutting local street Clearwater Place, and all city services are available.

*SB 1573 - Section 2. (4)*

*When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed.*

**Finding: Complies as proposed.** A legal description and map for the subject property planned for annexation prepared by a Professional Land Surveyor and certified by the Clackamas County Assessor's Office is included in the application materials.

*This 2016 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.*

**Finding: Complies as proposed.** Senate Bill 1573 was signed by the Governor and became effective on March 15, 2016.

*B. Preapplication Review. Prior to submitting an annexation application, the applicant shall confer in the manner provided by Section 17.50.050(A) with the representative of the planning division appointed by the city manager.*

**Finding: Complies as proposed.** A pre-application conference was held on February 7, 2018. Copies of the City's Pre-Application Conference Meeting Notes have been included in the application materials.

*C. Neighborhood Contact. Prior to filing an annexation application, the applicant is encouraged to meet with the city-recognized neighborhood association or associations within which the property proposed to be annexed is located. If the city manager deems that more than one such association is affected, the applicant is encouraged to meet with each such association, as identified by the city manager. Unwillingness or unreasonable unavailability of a neighborhood association to meet shall not be deemed a negative factor in the evaluation of the annexation application.*

**Finding: Complies as proposed.** A neighborhood meeting with the Caufield Neighborhood Association was held on May 22, 2018. The required neighborhood meeting materials have been included in the application materials. This standard is met.

*D. Signatures on Consent Form and Application. The applicant shall sign the consent form and the application for annexation. If the applicant is not the owner of the property proposed for annexation, the owner shall sign the consent form and application in writing before the city manager may accept the same for review.*

**Finding: Complies as proposed.** The appropriate consent form and annexation application have been signed by 100% of the property owners, a copy of which has been included in the application materials.

*E. Contents of Application. An applicant seeking to annex land to the city shall file with the city the appropriate application form approved by the city manager. The application shall include the following:*

*1. Written consent form to the annexation signed by the requisite number of affected property owners, electors or both, provided by ORS 222, if applicable;*

**Finding: Complies as proposed.** The appropriate consent form and annexation application have been signed by 100% of the property owners. Copies of the signed consent form and application have been included in the application materials.

*2. A legal description of the territory to be annexed, meeting the relevant requirements of the Metro Code and ORS Ch. 308. If such a description is not submitted, a boundary survey may be required. A lot and block description may be substituted for the metes and bounds description if the area is platted. If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description;*

**Finding: Complies as proposed.** A copy of the certified legal description and map for the subject property to be annexed has been included in the application materials. This standard is met.

*3. A list of property owners within three hundred feet of the subject property and, if applicable, those property owners that will be "islanded" by the annexation proposal, on mailing labels acceptable to the city manager;*

**Finding: Complies as proposed.** A list of property owners within a 300-foot radius of the subject property, including appropriate mailing labels have been included in the application materials. This standard is met.

*4. Two full quarter-section county tax assessor's maps, with the subject property(ies) outlined;*

**Finding: Complies as proposed.** Two full quarter-section County Tax Assessor's Maps with the subject property outlined on each map were included in the application materials. This standard is met.



5. A site plan, drawn to scale (not greater than one inch = fifty feet), indicating:
- a. The location of existing structures (if any);
  - b. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed;
  - c. The location and direction of all water features on and abutting the subject property. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flood data showing elevations of all property subject to inundation in the event of one-hundred-year flood shall be shown;
  - d. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands), wooded areas, identified habitat conservation areas, isolated preservable trees (trees with trunks over six inches in diameter—as measured four feet above ground), and significant areas of vegetation;
  - e. General land use plan indicating the types and intensities of the proposed, or potential development;

**Finding: Complies as proposed.** Plans containing the information required by these criteria have been included in the application materials.

6. If applicable, a double-majority worksheet, certification of ownership and voters. Certification of legal description and map, and boundary change data sheet on forms provided by the city.

**Finding: Not applicable.** This application is using the Petition of Owners of 100% of Land Area method of annexation, not the double majority method. Valid forms contained in Oregon City's Annexation Application Packet certifying the petition, legal description, and map have been included in the application materials. A boundary data sheet has also been included in the application materials.

*In order to be approved the proposed annexation must meet the criteria of Oregon City Municipal Code Subsection 14.04.050(E)(7).*

7. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in the ordinance codified in this chapter, as relevant, including:

- a. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;

**Findings:** All of the necessary services are available to serve the property within the City of Oregon City as described below:

**Water:** The subject property is currently within the Clackamas River Water District and served by the 16-inch water main located in Maplelane Road at the site's frontage. Annexation of the property would require connection to Oregon City water and available water mains are located in both Clearwater Place along the property frontage and Maplelane Road just to the west of the property. These two mains will be required to be connected together with a water main extension across the property frontage on Maplelane Road, creating a looped system. The existing 12-inch water mains in both Maplelane and Clearwater have adequate capacity to serve the existing house and two additional houses.

**Sanitary Sewer:** The subject property is currently neither connected to the sanitary sewer system, nor is it within the Tri-City Service District. An 8-inch sanitary sewer main is available to serve the property along the Clearwater Place frontage. The subject property will need to be annexed into the Tri-City Service District area, and the existing house will need to be connected to the sanitary sewer main in Clearwater. Additionally, the two new parcels will also connect to this sewer main, with proposed Parcel 1 connecting via an easement across Parcels 2 & 3. The Tri-City Service District has adequate capacity to serve the subject property.

**Storm Drainage:** There is currently no stormwater management facility for the subject property, and all stormwater runoff for the house and driveway infiltrates directly into the soil. Stormwater collection and connection will be required to develop the property with two additional parcels. A 12-inch Oregon City storm sewer is located in Clearwater Place at the properties frontage and available to serve all of the proposed parcels. There is adequate capacity in this storm sewer to serve the proposal.

**Transportation Facilities:** The site has direct access onto S. Maplelane Road (a Clackamas County Minor Arterial) and Clearwater Place (an Oregon City Local Street). The existing house has a pull-through driveway that provides access to both streets. Both streets are paved and partially improved and have adequate capacity to serve the existing house and additional lots.

**Park Facilities:** The property is not adjacent to or near any park facilities. The closest park to the property is Hillendale Park, over a mile away to the west. The Parks and Recreation was provided notice of this application and did not comment. Any further homes constructed on the property would contribute the Parks System Development Charge which is currently \$4,881.00 per Single Family Home.

**School Facilities:** The existing home and parcel is served by the Oregon City School District and the annexation and addition of two homes would have only a minor impact on the school district. The site is located approximately two miles northeast of Gaffney Lane Elementary School, two miles east of Gardiner Middle School, 1.5 miles north of Oregon City High School and 1 mile north of Clackamas Community College. Developing the property with existing houses will slightly increase the demand on these schools, depending on the residents. However, this impact will be mitigated by the payment of system development charges at the time of construction of the new houses on the proposed lots. The applicant is not aware of any capacity issues regarding these schools and they should all have adequate capacity to serve this modest increase in potential students. Comments were received from OCSD stating that all public schools serving this property have capacity to accommodate any students that eventually may reside at this address. Those comments are attached to this report.

As shown above, all of the necessary utilities and services are available and have adequate capacity to serve the proposal, so criterion (a) is met.

*b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;*

**Findings:** The increased demand generated by the proposed development is described below.

**Water Facilities:** As noted above, the subject property is currently served by Clackamas River Water, but the applicant will be required to extend the existing Oregon City water lines in order to serve the proposed development. There is sufficient capacity available in the Oregon City water system to serve the increased demand of the existing house plus two additional new homes.

**Sewer Facilities:** As noted above, the subject property will be required to connect to the existing sanitary sewer line in Clearwater Place. There is sufficient capacity available in this sewer system to serve the proposal. Additionally, this new demand on the system would be off-set by the payment of SDC fees at the time the new houses on the proposed parcels are constructed.

**Storm Drainage Facilities:** As noted above, the subject property is not connected to any stormwater management system. The subject property and new homes will be able to connect to the storm sewer line in Clearwater Place, which has adequate capacity to handle the modest increased demand required with this proposal.

**Transportation Facilities:** Once annexed the property would automatically be designated with the R-10 zoning, which would allow the 33,541 square foot property to be developed with a total of three houses. As demonstrated in the Transportation Analysis Letter (Exhibit C) submitted with this application, the R-10 zone would result in only a nominal increase in daily and peak vehicle trips. The impacts of these new trips are not expected to significantly alter the operation or safety of the existing transportation facilities or nearby intersections.

**Park Facilities:** As noted above, the subject property will have little to no impact on the existing nearby parks. New homes constructed on the property will contribute to the future development of the park system through the payment of System Development Charges. The property is not adjacent to or near any park facilities. The closest park to the property is Hillendale Park, over a mile away to the west. The Parks and Recreation was provided notice of this application and did not comment. Any further homes constructed on the property would contribute the Parks System Development Charge which is currently \$4,881.00 per Single Family Home.

**School Facilities:** As noted above, the proposal, which includes two new residences, may result a minor increase on student populations for adjacent schools, however there are no capacity issues within the school district, so these increases will not be an issue. Comments were received from OCSD stating that all public schools serving this property have capacity to accommodate any students that eventually may reside at this address. Those comments are attached to this report.

As described above, the increased demand on the existing facilities will be quite minor and all of the available systems have adequate capacity to meet these demands, so criterion (b) is met.

*c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;*

**Finding: Complies as Conditioned.** The subject property is served by Clackamas County Fire District #1. The closest fire station is Hilltop Station #16 at 19340 Molalla Ave, Clackamas RFPD #1 approximately 1.5 miles southwest of the property. The Fire District has adequate capacity to serve the increase of two additional residences on this property. Additionally, future property taxes, potential district bonds, etc. can provide necessary funding for the fire district.

The subject property is currently within and served by the Clackamas County Sheriff's Office, however, after annexation the site will be served by the City of Oregon City Police Department. Annexation of the subject property to the City of Oregon City would create a negligible demand on the City's Police resources and the Police Department has sufficient resources available to serve this increase. **Staff recommends withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute upon annexation.**

Additionally, future property taxes, potential district bonds, etc. can provide necessary funding for the fire district. Street improvements, sewer, water and stormwater facilities are required and available to service the property and will be extended to the property in accordance with adopted engineering requirements. The proposal involves rezoning from R-10 to R-6.

No additional public services will be required to serve this proposal, and no phasing of these facilities or services is proposed.

*d. Statement outlining method and source of financing required to provide additional facilities, if any;*

**Finding: Complies as proposed.** Annexation of the subject property to the City of Oregon City would not cause increased demand on City or service provider resources. Therefore, additional facilities requiring financing are not required or relevant to the proposal. The proposal will dedicate land or widening of the right-of-way of Maplelane Road as a condition of the minor partition. Additionally the developer is required to provide sewer, water and stormwater improvements. The development of the subject property with two new houses will trigger the payment of System Development Charges (SDCs) and other fees to support services already in place to serve the site. All public infrastructure required to support the future development will be constructed by the developer to meet City standards. With these financing mechanisms in place, criterion d is met.

*e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;*

**Finding: Complies as proposed.** The annexation of the subject property to the City of Oregon City will create only a modest physical change to the property when two new houses are constructed. The surrounding area is developed with single family homes on varying lot sizes, and the development of two additional homes will be in keeping with the surrounding residential development pattern. Public sidewalk, sewer, water and storm water improvements will be constructed that will enhance property values. The frontage improvements along Maplelane Road that will provide a new sidewalk and street trees. These improvements will provide a benefit to the physical and social environment of the surrounding area and community, and criterion e is met.

*f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;*

**Finding: Complies as proposed.** The annexation and development of the subject property to the City of Oregon City will not result in any physical, aesthetic, or discernable social change in surrounding the community. The proposed plan features a continuation of the adjacent low density residential development pattern in the surrounding area. Assumed with the proposal are the types of features that accompany new residential communities such as frontage improvements, public sanitary sewer and stormwater management infrastructure, sidewalks and street trees, areas to build new homes, landscaping, etc. Therefore, negative effects are not anticipated and, no mitigation is required beyond the recommended Conditions of Approval and criteria f is met.

*g. Statement indicating the type and nature of any comprehensive plan text or map amendments, or zoning text or map amendments that may be required to complete the proposed development;*

**Finding: Not applicable.** No changes to the City's Comprehensive Plan map are proposed nor required. The subject property already has an Oregon City Comprehensive Plan designation of Low Density Residential (LR). This request would change the zoning of the property to the City's R-6 zoning, to match the designation of the adjacent properties, which is consistent with the Low Density Residential (LR) Comprehensive Plan designation. Criterion g is met.

#### *OCMC 14.04.060 - Annexation Factors*

*When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:*

##### *1. Adequacy of access to the site;*

**Finding: Complies as proposed.** As described in the applicant's proposal, the subject property has direct access onto S. Maplelane Road, a minor arterial controlled by Clackamas County, as well as Clearwater Place, a local street controlled by Oregon City. Therefore, the subject property has excellent site access and this criterion is met.

2. *Conformity of the proposal with the city's comprehensive plan;*

**Finding: Complies as proposed.** The following Goals and Policies of the Oregon City Comprehensive Plan apply to this proposal:

**Goal 2.1: Efficient Use of Land.** *Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently and that land is developed following principles of sustainable development.*

**Finding: Complies as proposed.** The subject property is located within the Urban Growth Boundary, and has an existing Low Density Residential Comprehensive Plan designation. The use of the property, once divided will be single-family residential at R-6 density, consistent with the adjacent properties and the City's Comprehensive Plan designation. This will ensure that there will be an efficient use of residential property in an area where urban services are readily available. This goal is met.

**Goal 2.7: Oregon City Comprehensive Plan Land-Use Map.** *Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.*

**Finding: Complies as proposed.** The annexation/zone change of the subject property is consistent with and maintains the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for development within the area of the property. The proposal will not change the current Comprehensive Plan designation. This application has no impact on this policy and therefore this goal is met.

**Goal 14.1: Urban Growth Boundary.** *Establish, and amend when appropriate, the Urban Growth Boundary in the unincorporated area around the city that contains sufficient land to accommodate growth during the planning period for a full range of city land uses, including residential, commercial, industrial, and institutional.*

**Finding: Not applicable.** The subject property is located within the UGB, therefore this proposal does not include any amendment to the UGB boundary and this goal does not apply.

**Policy 14.1.1: The Urban Growth Boundary shall conform to Title 11 of the Code of the Metropolitan Service District and will provide sufficient land to accommodate 20-year urban land needs, resulting in efficient urban growth and a distinction between urban uses and surrounding rural lands, and promoting appropriate infill and redevelopment in the city.**

**Finding: Not applicable.** The subject property is within the original 1979 Urban Growth Boundary (UGB) and is included in the Metropolitan Service District's inventory of sufficient land to accommodate 20-year urban land needs. Metro Title 11 (Title 11 (Sections 3.07.1105 – 3.07.1140) – Planning for New Urban Areas) was adopted initially in 1999, well after this property was brought into the UGB in 1979, and does not apply in this case. However, the annexation/zone change of the subject property to the City's R-6 zoning designation promotes appropriate infill and redevelopment in the City consistent with the City's Comprehensive Plan and this policy is met to the extent that it applies.

**Policy 14.1.2: Concept plans that provide more detail than the city's Comprehensive Plan will be required prior to development of lands within the Urban Growth Boundary.**

**Finding: Not applicable.** This policy applies to more recent areas of Urban Growth Boundary expansion subject to Metro Title 11. The subject site is part of the original Urban Growth Boundary of 1979 and does not apply in this case.

**Goal 14.3: Orderly Provision of Services to Growth Areas.** *Plan for public services to lands within the Urban Growth Boundary through adoption of a concept plan and related Capital Improvement Program, as amendments to the Comprehensive Plan.*



**Finding: Complies as proposed.** The subject property is located within the UGB but no concept plan has been adopted for the area. However, the development of the property at the R-6 density is consistent with other projects in the area. The City's Capital Improvement Program includes utility master plans that have been updated to serve newly annexed properties and the availability, capacity, and status of services and facilities (water, sanitary sewer, storm drainage, access/transportation) in the area were been discussed previously in this narrative. This goal is met.

**Policy 14.3.1:** *Minimize new public facilities and services by encouraging new development within the Urban Growth Boundary at maximum densities allowed by the Comprehensive Plan.*

**Finding: Complies as proposed.** Annexation and rezoning of the subject property within the UGB will encourage new development at maximum densities allowed by the Comprehensive Plan and is supportable by existing public facilities and services in the area. The zone change of the property to the City's R-6 zone is consistent with this policy as it allows compatible residential density within the Low Density Residential Comprehensive Plan designation of the property. This policy is met.

**Policy 14.3.2:** *Ensure that the extension of new services does not diminish the delivery of those same services to existing areas and residents in the city.*

**Finding: Complies as proposed.** Annexation of the subject property will not affect existing utility services. The City's utility master plans have been updated to account for the extension of services to annexed properties while still providing the current level of services to existing residents within the City limits. This policy is met.

**Policy 14.3.3:** *Oppose the formation of new urban services districts and oppose the formation of new utility districts that may conflict with efficient delivery of city utilities within the Urban Growth Boundary.*

**Finding: Complies as proposed.** Annexation of the subject property will not create a new service district or affect the future delivery of City utilities to the subject property or the area. This policy is met.

**Policy 14.3.4:** *Ensure the cost of providing new public services and improvements to existing public services resulting from new development are borne by the entity responsible for the new development to the maximum extent allowed under state law for Systems Development Charges.*

**Finding: Complies as proposed.** The costs for new service connections to the new proposed lots will be borne by the applicant. The extension and looping of the City water line along Mapelane Road will be paid for entirely by the applicant. The developers of the individual lots will pay the utility connection fees and SDC's at the time of construction. This policy is met.

**Goal 14.4:** *Annexation of Lands to the City. Annex lands to the city through a process that considers the effects on public services and the benefits to the city as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City ordinances, and the City Charter.*

**Finding: Complies as proposed.** This application will be reviewed by the City through the Type IV land use process, which ensures consideration of the effects of annexed properties on public services and the City as a whole. The anticipated use of the property at the R-6 density is consistent with other projects in the area, and Comprehensive Plan designation of the property. This goal is met.

**Policy 14.4.1:** *Promote compact urban form and support efficient delivery of public services by ensuring that lands to be annexed are within the City's Urban Growth Boundary, and contiguous with the city limits. Do not consider long linear extensions, such as cherry stems and flag lots, to be contiguous with the city limits.*

**Finding: Complies as proposed.** Annexation of the subject property would support compact urban form and support efficient delivery of public services. The property is within the UGB and contiguous to properties that are already within the City limits. This policy is met.

**Policy 14.4.2:** *Include an assessment of the fiscal impacts of providing public services to unincorporated areas upon annexation, including the costs and benefits to the city as a whole as a requirement for concept plans.*

**Finding: Complies as proposed.** The annexation of the subject property will have no fiscal impacts on the City because the costs of providing utilities and services to the 3 proposed lots will be borne entirely by the applicant. Once annexed into the City, the taxes collected from these three lots will help pay for the future services required by the eventual residents. The City will benefit from the extension of the public sidewalk along Maplelane and the looping of the City water line, both of which will be completed by the applicant as part of the proposal. Therefore the potential benefits outweigh the cost and this policy is met.

**Policy 14.4.3:** *Evaluate and in some instances require that parcels adjacent to proposed annexations be included to:*

- *avoid creating unincorporated islands within the city;*
- *enable public services to be efficiently and cost-effectively extended to the entire area; or*
- *implement a concept plan or sub-area master plan that has been approved by the Planning and City Commissions.*

**Finding: Not applicable.** Annexation of the subject property will not create unincorporated islands within the City, and no additional lands need to be annexed in order to provide for the timely or efficient extension of public services to the area in the future. No concept plans or sub-area master plans have been adopted that apply to the subject property. This policy is met.

**Policy 14.4.4:** *Expedite the annexation of property as provided by state law in order to provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system.*

**Finding: Not applicable.** The subject property is currently on a private septic system, but is not subject to a public health hazard associated with a failing septic system. This policy does not apply.

As shown, the proposal conforms to the applicable goals and policies of the Oregon City Comprehensive Plan and this criterion is met.

*3. Adequacy and availability of public facilities and services to service potential development;*

**Finding: Complies as proposed.** As described in the preceding sections of this narrative and the applicant's statements of availability, adequate public facilities and services are available to support potential future development of the subject property. This criterion is met.

*4. Compliance with applicable sections of ORS Ch. 222, and Metro Code Section 3.09;*

**Finding: Complies as proposed.** ORS Chapter 222 provides several options for annexing land into a City, and requires that property to be annexed be contiguous to City limits. The planned annexation of the subject property meets ORS Ch. 222, as it is within the adopted UGB, is within an area subject to the adopted and acknowledged Oregon City Comprehensive Plan, and is contiguous to existing City limits. In addition, this application is consistent with the applicable boundary change criteria of Metro's Code Section 3.09, more specifically Section 3.09.045 D, which has been addressed below.

**Metro Code 3.09.045.D:**

*To approve a boundary change through an expedited process, the city shall:*

1. *Find that the change is consistent with expressly applicable provisions in:*

a. *Any applicable urban service agreement adopted pursuant to ORS 195.065*

**Finding: Complies as proposed.** The subject property is currently within the Clackamas River Water service district. Upon annexation the property will be included in the City's service districts. The property owner is required to apply to annex separately into the Tri-City Service District and the City acknowledges that it is the owner's responsibility to complete that process.

b. *Any applicable annexation plan adopted pursuant to ORS 195.205;*

**Finding: Not applicable.** No applicable annexation plan for the area currently exists.

c. *Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;*

**Finding: Complies as proposed.** Annexation of the subject property is consistent with the applicable Urban Growth Management Agreement in place between Clackamas County and Oregon City.

d. *Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;*

**Finding: Complies as proposed.** Annexation of the subject property is consistent with the City's Capital Improvement Program, which includes utility master plans that have been updated in anticipation of serving additional properties annexed in the area.

e. *Any applicable comprehensive plan;*

**Finding: Complies as proposed.** Annexation of the subject property is consistent with the City's Comprehensive Plan, which designates the property as Low Density Residential. An analysis of compliance with the Comprehensive Plan is found within this report.

f. *Any applicable concept plan;*

**Finding: Not applicable.** No applicable concept plan for the area currently exists nor is required.

*...the City shall:*

2. *Consider whether the boundary change would:*

a. *Promote the timely, orderly and economic provisions of public facilities and services;*

**Finding: Complies as proposed.** The subject property is within the UGB, contiguous to City limits, and adjacent to properties currently receiving City services. Therefore, the application promotes the timely, orderly, and economic provision of public facilities.

b. *Affect the quality and quantity of urban services; and*

**Finding: Complies as proposed.** Annexation of the subject property will not affect the quality and quantity of urban services in the area.

c. *Eliminate or avoid unnecessary duplication of facilities or services.*

**Finding: Complies as proposed.** As part of the annexation process, the City will notify applicable service providers about the annexation and addition or withdrawal of the property from their district to avoid duplication of facilities and/or services.

As shown, ORS Ch. 222, and Metro Code Section 3.09 can both be met, and therefore this criterion is met.

5. *Natural hazards identified by the city, such as wetlands, floodplains and steep slopes;*

**Finding: Not applicable.** The subject property is not on or near any natural hazards identified by the City overlay districts (such as wetlands, floodplains, and steep slopes). This criterion does not apply.

6. *Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at time of annexation;*

**Finding: Complies as proposed.** The annexation of the subject property will not have an effect on designated open space, scenic, historic, or natural resource areas and this criterion is met.

7. *Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.*

**Finding: Complies as proposed.** The annexation of the subject property will have no adverse effects on the economic, social, and/or physical environment of the community. Public services are available to support future land uses of the property. This criterion is met.

**As required by State Statute, The City Commission should find that this annexation is consistent with a positive balance of the factors set forth in OCMC Section 14.04.060 and complies with ORS 222.125.**

## **REGIONAL PLANNING**

The following discussion addresses regional planning requirements.

This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). No comments were received from Metro regarding this proposal.

### **Metro Boundary Change Criteria – Chapter 3.09**

The Legislature has directed Metro to establish criteria that must be used by all cities within the Metro boundary. The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.
2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. Consistency with other applicable criteria for the boundary change in question under state and local law.

Consistency with the County and urban service provider planning agreements along with the timely, orderly and economic provision of public services as required by the Metro Code are discussed in greater detail below.

The Metro Code also contains a second set of 10 factors that are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation.

## **REGIONAL FRAMEWORK PLAN (Metro)**

The law that requires Metro to adopt criteria for boundary changes specifically states that those criteria shall include "... compliance with adopted regional urban growth goals and objectives, functional plans ... and the regional framework plan of the district [Metro]."

**Finding: Complies as proposed.** The Growth Management Functional Plan was reviewed and found not to contain any criteria directly applicable to boundary changes. The Regional Framework Plan was reviewed and the proposal complies with it since the property is within the Urban Growth Boundary and has been designated as appropriate for urbanization.

#### **CLACKAMAS COUNTY PLANNING**

The Metro Code states that the Commission's decision on this boundary change should be "... consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans, public facility plans, ..."

**Finding: Complies as proposed.** The Clackamas County Comprehensive Plan is the currently applicable plan for this area. The plan designation for this site is Low Density Residential (LR) on the County's Oregon City Area Land Use Plan (Map IV-5).

The County Zoning on the property is FU-10. The FU-10 zone means a 10-acre minimum lot size. This is a holding zone to prevent the creation of small parcels in areas within the UGB to preserve the capacity of land to fully develop once a full range of urban services is available. Lands located outside areas having sanitary sewer service available were designated Future Urbanizable.

Clackamas County Zoning and Development Ordinance (ZDO) section 314.02 provides that the Future Urban 10-Acre District is applied to those areas designated as Future Urban by Chapter 4 of the Clackamas County Comprehensive Plan. The *Land Use* section of the Plan, Chapter 4, identifies the territory proposed for annexation as *future urban*, which are defined as:

*"Future urban areas are lands within urban growth boundaries but outside immediate urban areas. Future urban areas are planned to be provided with public facilities, but currently lack providers of those facilities. Future urban areas are substantially underdeveloped and will be retained in their current use to ensure future availability for urban needs. Future urban areas are planned for urban uses but zoned for large-lot, limited development."*

#### Urban Growth Management Agreement

**Finding: Complies as proposed.** The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plans. The territory to be annexed falls within the Urban Growth Management Boundary (UGMB) identified for Oregon City and is subject to the agreement. The County agreed to adopt the City's Comprehensive Plan designations for this area that is Low Density Residential. Consequently, when property is annexed to Oregon City, it may receive a City planning designation by default, which is R-10 single-family dwelling district. The applicant concurrently submitted an application to receive R-6 zoning following annexation.

The Agreement presumes that all the urban lands within the UGMB will ultimately annex to the City. It specifies that the city is responsible for the public facilities plan required by Oregon Administrative Rule Chapter 660, division 11.

The Agreement goes on to say:

#### 4. City and County Notice and Coordination

\* \* \*

*D. The CITY shall provide notification to the COUNTY, and an opportunity to participate, review and comment, at least 20 days prior to the first public hearing on all proposed annexations ...*



\* \* \*

#### 5. City Annexations

A. CITY may undertake annexations in the manner provided for by law within the UGMB. CITY annexation proposals shall include adjacent road right-of-way to properties proposed for annexation. COUNTY shall not oppose such annexations.

B. Upon annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two-inch asphaltic concrete overlay over the width of the then-existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads will be considered for transfer on a case- by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.

C. Public sewer and water shall be provided to lands within the UGMB in the manner provided in the public facility plan . . .

\* \* \*

**Finding: Complies as proposed.** The required notice was provided to the County at least 20 days before the Planning Commission hearing. The agreement requires that adjacent road rights-of-way be included within annexations. Maplelane Road abuts the site and the entire width of the right-of-way abutting the property will be included with the annexation. Currently the roadway is within the jurisdiction of Clackamas County and will remain so after this annexation occurs.

Comments from Clackamas County were received (no conflicts) and are attached to this report.

#### **CLACKAMAS RIVER WATER**

**Finding: Complies as Conditioned.** This territory is currently within the Clackamas River Water District (CRW). Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the District upon approval of the annexation. This annexation area shall be withdrawn from the CRW district upon ordinance approval of the annexation. CRW will coordinate with the City of Oregon City during construction plan review regarding the transferring or abandonment of the water service. It is anticipated as the Maplelane Road area develops, water service will be through the Oregon City system. Comments from CRW were received and are attached to this report. **Staff recommends that the City Commission concur with Clackamas River Water de-annexation of the subject property in the enacting ordinance.**

#### **TRI-CITY SEWER DISTRICT**

**Finding: Complies as Conditioned.** The property is not within the Tri City Service District (TCSD) and will be required to annex into TCSD to receive sanitary sewer service. Upon annexation approval, the applicant shall commence a separate annexation process. An application packet is attached as Exhibit 5. Comments from TCSD were received and are attached to this report. **Staff recommends that the City Commission concur with Tri-City Service District's annexation of the subject property in the enacting ordinance.**

#### **ANNEXATION - PROPOSED FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS**

Based on the Findings above, the Commission determines the following:

1. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. The Commission concludes the annexation is consistent with this criterion because

- there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan, or the Regional Transportation Plan.
2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. As noted in the Findings, there are no such plans or agreements in place. Therefore the Commission finds that there are no inconsistencies between these plans/agreements and this annexation.
  3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The County Plan also identifies the property as Immediate Urban lands, which should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for annexation. Therefore the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).
  4. The Commission concludes that the annexation is consistent with the City Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development as noted in the Findings above. The City operates and provides a full range of urban services. Specifically with regard to water, storm and sewer service, the City has both of these services available to serve the area.
  5. The Commission notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in the Findings, the Oregon City-Clackamas County Urban Growth Management Agreement specifically provides for annexations by the City.
  6. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly, and economic provision of public facilities and services." Based on the evidence in the Findings, the Commission concludes that the annexation will not interfere with the timely, orderly, and economic provision of services.
  7. The Oregon City Code contains provisions on annexation processing. Section 6 of the ordinance requires that the City Commission consider seven factors if they are relevant. These factors are covered in the Findings and the Commission finds that this proposal is consistent with a positive balance of those factors.
  8. The City Commission concurs with Tri-City Service District's annexation of the subject property in the enacting City ordinance.
  9. The Commission determines that the property should be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon annexation.
  10. The Commission determines that the property should not be withdrawn from the Clackamas County Fire District #1.
  11. The Commission determines that the property should be withdrawn from Clackamas River Water District.

## **ZONE CHANGE ANALYSIS**

### **Chapter 17.68: ZONE CHANGES AND AMENDMENTS**

#### *17.68.010 - Initiation of the amendment.*

*A text amendment to this title or the comprehensive plan, or an amendment to the zoning map or the comprehensive plan map, may be initiated by:*

*A. A resolution request by the city commission;*

*B. An official proposal by the planning commission;*

C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.

D. A Legislative request by the Planning Division.

All requests for amendment or change in this title shall be referred to the planning commission.

**Finding:** This zoning map amendment was initiated by an application to the planning division.

17.68.020 - Criteria.

The criteria for a zone change are set forth as follows:

A. The proposal shall be consistent with the goals and policies of the comprehensive plan.

**Finding:** The following goals and policies apply to this rezoning application:

**Goal 1.2: Citizen Involvement.** Ensure that citizens, neighborhood groups and affected property owners are involved in all phases of the comprehensive planning program.

**Finding: Complies as proposed.** The Oregon City Comprehensive Plan and Municipal Code include provisions to ensure citizens, neighborhood groups, and affected property owners have an opportunity to participate in the land use process. Prior to submitting this application the proposal was presented to the Caufield Neighborhood Association at their May 22, 2018 meeting. In addition, citizens have the opportunity to attend and participate in public hearings before the Oregon City Planning Commission and the Oregon City Commission prior to approval, as part of the Type IV process. Therefore, the application is consistent with this Goal.

**Goal 2.1: Land Use.** Ensure that property planned for residential, commercial, office and industrial uses is used efficiently and that land is developed following principles of sustainable development.

**Finding: Complies as proposed.** This application involves a zone change from the R-10 zoning designation to the R-6 zoning designation. This represents an increase in density while still remaining in a single-family zone. Densities corresponding to the R-6 zone represent a more sustainable development pattern because it encourages the development of smaller and more compact houses. Additionally, increasing densities within the UGB limits urban sprawl, therefore, the application is consistent with this Goal.

**Goal 2.7: Land Use.** Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.

**Finding: Complies as proposed.** The proposed zone change of the subject property is consistent with and maintains the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for development within the area of the property. The proposal will not change the current Comprehensive Plan designation. This application has no impact on this policy and therefore this goal is met.

**Goal 5.3 Historic Resources.** Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.

**Goal 5.4 Natural Resources:** Identify and seek strategies to conserve and restore Oregon City's natural resources, including air, surface and subsurface water, geologic features, soils, vegetation, and fish and wildlife, in order to sustain quality of life for current and future citizens and visitors, and the long-term viability of the ecological systems.

**Policy 5.4.4:** Consider natural resources and their contribution to quality of life as a key community value when planning, evaluating and assessing costs of City actions.

**Finding: Not applicable.** According to City maps, the Natural Resource Overlay District (NROD) does not apply to this property. No inventoried natural or historic features have been identified on the site. Therefore, the application is consistent with this Goal.

**Goal 6.1.1: Quality of Air, Water and Land Resources.** *Promote land-use patterns that reduce the need for distance travel by single occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.*

**Finding: Complies as proposed.** The planned R-6 zoning designation promotes a compact land use pattern that reduces the amount of land dedicated to public streets and other infrastructure per dwelling unit. Compact land use patterns reduce travel distance by single-occupancy vehicles, and increases opportunities for alternative modes of transportation, including walking, biking, and transit. Thus, the R-6 zoning strategically increases opportunities for increased populations to walk and bike to places of education, shopping, and employment. The concurrent minor partition application triggers a requirement to complete the construction of sidewalk and bicycle lane improvements abutting the property, which will increase opportunities for walking and bicycling. The R-6 zoning designation is consistent with this Goal.

*Policy 6.2.1: Prevent erosion and restrict the discharge of sediments into surface and groundwater by requiring erosion prevention measures and sediment control practices.*

**Finding: Complies as proposed.** The application is subject to City grading, drainage, and erosion control standards. Development of the individual lots will require approval of grading plans to ensure that erosion and sedimentation control standards are satisfied. To the extent this Goal is relevant to the application, it is satisfied.

**Goal 10.1: Housing.** *Provide for the planning, development and preservation of a variety of housing types and lot sizes.*

*Policy 10.1.1 Maintain the existing residential housing stock in established older neighborhoods by maintaining existing Comprehensive Plan and zoning designations where appropriate.*

*Policy 10.1.3 Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.*

*Policy 10.1.4 Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.*

**Finding: Complies as proposed.** The proposal includes preserving the existing house on the site, built in the 1960's. When the additional lots develop they will have the opportunity to construct accessory dwelling units along with the new single-family home. Additionally, cottage housing may be permitted with density bonuses. These two unit types provided an opportunity for more diverse, and often more affordable housing opportunities within existing neighborhoods. These housing related policies are met.

**Goal 10.2: Housing.** *Provide and maintain an adequate supply of affordable housing.*

*Policy 10.2.1 Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Land-Use Map, ensure that potential loss of affordable housing is replaced.*

**Finding: Complies as proposed.** In addition to single family detached homes, the City provides the opportunity to construct ADUs and other small dwelling units on these lots, which would likely be lower in cost. Additionally, the zone change from R-10 to R-6 allows the creation of smaller lots, which may result in the construction of smaller, lower cost homes. This policy is met.

**Goal 11.1: Public Facilities.** *Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.*

**Finding: Complies as proposed.** Adequate public facilities and services are available to support the development of the subject property. This goal is met.

**Goal 12.6: Transportation.** *Develop and maintain a transportation system that has enough capacity of meet users' needs.*

*Policy 12.6.1 Provide a transportation system that serves existing and projected travel demand.*

*Policy 12.6.2 Identify transportation system improvements that mitigate existing and projected areas of congestion.*

*Policy 12.6.3 Ensure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion.*

*Policy 12.6.4 Identify and prioritize improved connectivity throughout the city street system.*

**Finding: Complies with Conditions.** A Transportation Analysis Letter (TAL) that includes a Transportation Planning Rule (TPR) analysis, prepared by a registered professional traffic engineer was included with this application as Exhibit C. The TAL includes trip generation estimates for the automatic R-10 zoning designation, and the planned R-6 zoning designation, traffic count data, trip distribution and assignments, operational analysis, crash data analysis, and capacity analysis for the 20- year planning horizon consistent with the requirements of the State Transportation Planning Rule (OAR 660- 012-060). As documented in the TAL, the additional vehicle trips generated by the addition of two house on the site is expected to have only a minimal impact on the safety and operation of the existing transportation facilities in the area.

Additionally, as requested at the Pre-Application Meeting, the TAL included analysis of the Site Trip Impacts on the intersection of Highway 213 and Beaver Creek Road. In this analysis it is assumed that 80% of the site trips generated would travel through the OR 213/Beaver Creek intersection, which would only result in an increase of one AM peak-hour trip and two PM peak-hour trips. The TAL concluded that this impact on the intersection would be de minimus. It is anticipated that the applicant will be required to pay a proportional share of the improvements adopted by City Commission in the Highway 213 Corridor Alternative Mobility Targets study, based on this nominal increase in trips. OCMC 12.04.205.D.2 provides that applicants participate in intersection improvements to listed intersections. Based on the trip generation calculations provided by the applicant in #1, above and assumptions about trip distribution, the development is calculated to add one new PM peak hour trip (rounded to the nearest trip) to the Highway 213/Beaver Creek Road intersection. The cost of the improvement planned for the intersection of Highway 213/Beaver Creek Road is \$1.5 million; the predicted 2035 traffic volume at the intersection is 6859 PM peak hour trips; the proportional share is calculated to be \$219 per trip. This development is calculated to add one PM peak hour trip. As conditioned, Goal 12.6 will be met.

**As shown above, the proposed Zone Change complies with the applicable goals and policies of the comprehensive plan.**

## **ZONE CHANGE CRITERIA – CONTINUED:**

*B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.*

**Finding: Complies as proposed.** As discussed in detail in the separate findings for the concurrent annexation proposal of the subject site, all public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) available to serve the lot are adequate and can be made available to support the development of two additional houses.



**Water:** The subject property is currently within the Clackamas River Water District and served by the 16-inch water main located in Maplelane Road at the site's frontage. Development of the property would require connection to Oregon City water and available water mains are located in both Clearwater Place along the property frontage and Maplelane Road just to the west of the property. These two mains will be required to be connected together with a water main extension across the property frontage on Maplelane Road, creating a looped system. The existing 12-inch water mains in both Maplelane and Clearwater have adequate capacity to serve the existing house and two additional houses.

**Sanitary Sewer:** The subject property is currently neither connected to the sanitary sewer system, nor is it within the Tri-City Service District. An 8-inch sanitary sewer main is available to serve the property along the Clearwater Place frontage. The subject property will need to be annexed into the Tri-City Service District area, and the existing house will need to be connected to the sanitary sewer main in Clearwater. Additionally, the two new parcels will also connect to this sewer main, with proposed Parcel 1 connecting via an easement across Parcels 2 & 3. The Tri-City Service District has adequate capacity to serve the subject property.

**Storm Drainage:** There is currently no stormwater management facility for the subject property, and all stormwater runoff for the house and driveway infiltrates directly into the soil. Stormwater collection and connection will be required to develop the property with two additional parcels. A 12-inch Oregon

City storm sewer is located in Clearwater Place at the properties frontage and available to serve all of the proposed parcels. There is adequate capacity in this storm sewer to serve the proposal.

**Transportation Facilities:** The site has direct access onto S. Maplelane Road (a Clackamas County Minor Arterial) and Clearwater Place (an Oregon City Local Street). The existing house has a pull-through driveway that provides access to both streets. Both streets are paved and partially improved and have adequate capacity to serve the existing house and additional lots.

**Park Facilities:** The property is not adjacent to or near any park facilities. The closest park to the property is Hillendale Park, over a mile away to the west. The proposed annexation and addition of two additional homes on the subject property is not a large enough development project to affect park capacity in any way.

**School Facilities:** The existing home and parcel is served by the Oregon City School District and the annexation and addition of two homes would have only a minor impact on the school district. The site is located approximately two miles northeast of Gaffney Lane Elementary School, two miles east of Gardiner Middle School, 1.5 miles north of Oregon City High School and 1 mile north of Clackamas Community College. Developing the property with existing houses will slightly increase the demand on these schools, depending on the residents. However, this impact will be mitigated by the payment of system development charges at the time of construction of the new houses on the proposed lots. The applicant is not aware of any capacity issues regarding these schools and they should all have adequate capacity to serve this modest increase in potential students.

As shown above, all of the necessary utilities and services are available and have adequate capacity to serve the proposal, so criterion (a) is met.

**Police, Fire and Emergency Services:** The subject property is currently within and served by the Clackamas County Sheriff's Office. It is understood that the ultimate provider of police services is the City of Oregon City Police Department. Two additional houses on the subject property would not create a negligible demand on the City's Police Department resources. The subject property is within and served by Clackamas Fire District #1. The zone change for the subject property to the City of Oregon City would not cause increased demand on the fire district's resources. The fire district has sufficient resources to serve the property at low density residential densities. Potential future property taxes, potential district bonds, etc. provide necessary funding for the fire district.

The subject property is currently within and served by the Clackamas County Sheriff's Office, however, after annexation the site will be served by the City of Oregon City Police Department. Annexation of the subject property to the City of Oregon City would create a negligible demand on the City's Police resources and the Police Department has sufficient resources available to serve this increase. **Staff recommends withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute upon annexation.**

The change from R-10 to R-6 is a shift within the Low Density Residential Comprehensive Plan Map designation and these impacts have been previously evaluated with the adoption of the City's Comprehensive Plan and have been addressed herein and with the concurrent annexation findings. This criterion is met.

*C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.*

**Finding: Complies with conditions.** As described in the response to Policy 12.6 of the Comprehensive Plan above, the TAL (Exhibit C) prepared by a registered professional traffic engineer shows the function, capacity, and level of service of the surrounding traffic system will have negligible impact by the addition of two house units.

The Transportation Analysis Letter (Exhibit C) submitted with this application concludes that there will only be a nominal impact to adjacent public streets associated with this proposal. Of specific interest to the City was the potential impact the proposal would have on the Highway 213 and Beavercreek Road intersection. In the TAL the traffic engineer concludes that there will only be one AM peak hour trip and two PM peak hour trips associated though the OR 213/Beavercreek intersection with the development of two additional homes on the site. The applicant's submitted TAL was reviewed by John Replinger, PE, city transportation consultant. Mr Replinger recommended conditions of approval including participating in the funding of the planned improvements mentioned above, implementing frontage improvements, and addressing access issues.

OCMC 12.04.205.D.2 provides that applicants participate in intersection improvements to listed intersections. Based on the trip generation calculations provided by the applicant in #1, above and assumptions about trip distribution, the development is calculated to add one new PM peak hour trip (rounded to the nearest trip) to the Highway 213/Beavercreek Road intersection. The cost of the improvement planned for the intersection of Highway 213/Beavercreek Road is \$1.5 million; the predicted 2035 traffic volume at the intersection is 6859 PM peak hour trips; the proportional share is calculated to be \$219 per trip. This development is calculated to add one PM peak hour trip.

Street improvements are required and proposed abutting the site, and Transportation System Development Charges will be paid at the time of any new building permit for homes to be constructed on the new lots. With these requirements this standard can be met. **This standard can be met through the conditions of approval.**

*D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.*

**Finding: Not applicable.** The Oregon City Comprehensive Plan does contain specific goals and policies which correspond directly to the applicable statewide planning goals and those goals and policies have been addressed above and also in the separate findings for the concurrent annexation proposal.

#### **OAR 660-012-0060(1)-(3) TRANSPORTATION PLANNING RULE (TPR)**

The purpose of the TPR is “to implement Statewide Planning Goal 12 (Transportation) and promote the development of safe, convenient and economic transportation systems that are designed to reduce reliance on the automobile so that the air pollution, traffic and other livability problems faced by urban areas in other parts of the country might be avoided.” A major purpose of the Transportation Planning Rule (TPR) is to promote more careful coordination of land use and transportation planning, to ensure that planned land uses are supported by and consistent with planned transportation facilities and improvements.

**Finding: Complies with conditions.** Please see findings for compliance with OCMC section 12.04.295.D.2. of this report. This is also addressed in Comprehensive Plan Goal 12 and in the Transportation Analysis Letter submitted with this application.

#### **OAR CHAPTER 660, DIVISION 7, “METROPOLITAN HOUSING RULE”**

The purpose of this division is to ensure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metro urban growth boundary, to provide greater certainty in the development process and so to reduce housing costs.

**Finding: Complies with conditions.** Refer to the findings for Goal 10 of the Comprehensive Plan above.

#### **REGIONAL TRANSPORTATION PLAN**

The Regional Transportation Functional Plan (RTFP) directs how Oregon City should implement the RTP through the TSP and other land use regulations. The RTFP codifies existing and new requirements which local plans must comply with to be consistent with the RTP. If a TSP is consistent with the RTFP, Metro will find it to be consistent with the RTP.

**Finding: Complies with conditions.** Addressed in Comprehensive Plan Goal 12.

#### **LAND DIVISION ANALYSIS**

##### **CHAPTER 17.12 - “R-6” SINGLE-FAMILY DWELLING DISTRICT**

###### *17.12.020 Permitted uses.*

*Permitted uses in the R-6 district are: A. Single-family detached residential units.*

**Finding: Complies as proposed.** This application includes 2 lots in the R-6 zoning district for the future construction of single-family detached homes. This standard is met.

###### *17.12.040 Dimensional standards.*

*Dimensional standards in the R-6 district are:*

*A. Minimum lot area: 6,000 square feet.*

*B. Minimum lot width: 50 feet.*

*C. Minimum lot depth: 70 feet.*

**Finding: Complies as proposed.** The table below shows how the proposed lots comply with the minimum dimensional standards.

| <u>Parcel</u> | <u>Proposed Lot Area</u> | <u>Proposed Lot Width</u> | <u>Proposed Lot Depth</u> |
|---------------|--------------------------|---------------------------|---------------------------|
| 1             | 6,002 square feet        | 58 feet                   | 103 feet                  |
| 2             | 14,152 square feet       | 104 feet                  | 136 feet                  |
| 3             | 10,347 square feet       | 63 feet                   | 163 feet                  |

*D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;*

**Finding: Complies as proposed.** The existing house is two stories tall. Compliance with this standard is reviewed at the time of building permit application for new houses.

*E. Minimum required setbacks:*

- 1. Front yard, ten feet minimum setback,*
- 2. Front porch, five feet minimum setback,*
- 3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.*
- 4. Interior side yard, nine feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,*
- 5. Corner side yard, fifteen feet minimum setback,*
- 6. Rear yard, twenty feet minimum setback,*
- 7. Rear porch, fifteen feet minimum setback.*

*F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.*

*G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.*

**Finding: Complies as proposed.** Future homes on Parcels 1 and 3 will be reviewed for compliance with the maximum height, minimum setback, and lot coverage requirements of the R-6 zone at the time of building permit application. However, both these lots are large enough that these requirements should be met. The existing home on Parcel 2 complies with all of the setback requirements as shown on the preliminary plans. With the proposed partition, the existing home will have an interior sideyard setback of five feet, a rear setback of approximately thirty feet, a corner side setback from Clearwater Place of approximately thirty feet, and a front setback from Maplelane Rd of approximately forty-nine and a half feet.

Because of the location of the existing house, this lot is oversized at 14,152 square feet, so the house is well below the maximum allowed lot coverage standard of 40 percent. The standards of Chapter 17.20 are addressed below in this report. These requirements are met.

#### **CHAPTER 17.20 – RESIDENTIAL DESIGN AND LANDSCAPING STANDARD**

**17.20.10** - Purpose. *The residential design standards are intended to:*

- A. Enhance Oregon City through the creation of attractively designed housing and streetscapes.*
- B. Ensure that there is a physical and visual connection between the living area of the residence and the street.*
- C. Improve public safety by providing "eyes on the street".*
- D. Promote community interaction by designing the public way, front yards and open spaces so that they are attractive and inviting for neighbors to interact.*
- E. Prevent garages from obscuring or dominating the primary facade of the house.*
- F. Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of this chapter.*

G. The community development director may approve an alternative design that achieves the intent of this chapter.

**Finding: Not applicable.** These standards are applied upon submittal of a new building permit and are not applicable to the current application.

*17.20.015 - Street trees. All new single or two-family dwellings or additions of twenty-five percent or more of the existing square footage of the home (including the living space and garage(s)) shall install a street tree along the frontage of the site, within the abutting developed right-of-way.*

**Finding: Not applicable.** These standards are applied upon submittal of a new building permit and are not applicable to the current application. Street trees are required separately as a condition of the proposed minor partition.

*17.20.020 - Applicability. The standards in Sections 17.20.030 through 17.20.050 apply to the street-facing facades of all single and two-family dwellings. New dwellings, new garages or expansions of an existing garage require compliance with one of the residential design options in Section 17.20.030 or Chapter 12.21.*

**Finding: Not applicable.** These standards are applied upon submittal of a new building permit and are not applicable to the current application.

#### **CHAPTER 16.16 –MINOR PARTITIONS PROCESS AND STANDARDS**

*16.16.010 Purpose and General Provisions.*

*A. Minor Partitions shall be processed as a Type II decision by the Community Development Director in the same manner as set forth in Section 16.04.020.A and the applicable provisions in Chapters 16.16 12.04, 16.12 and 17.50 of the Oregon City Municipal Code as well as any other applicable chapter. A minor partition is defined as a single division of land into two or three lots. Approval shall be granted only upon determination that all applicable requirements of this title and ORS Chapter 92 have been met.*

**Finding:** This application is associated with annexation and zone change applications and therefore is reviewed at the level of a Type IV decision pursuant to OCMC 17.50.010.

*B. If a parcel of land to be partitioned will create lots large enough to be divided again, the applicant shall provide a hypothetical non-binding plan or "shadow plat" depicting possible future development of the resulting lots.*

**Finding: Not applicable.** See finding under subsection (C) below.

*C. Lot Size Limitations for Partitions in Residential Zoning Designations. A residentially zoned parcel of land or the aggregate of contiguous parcels under the same ownership containing sufficient net buildable area to be subdivided by the minimum lot size requirements of the underlying zone into 4 or more lots shall be subject to the Subdivision procedures and standards specified in Sections 16.08 and 16.12. The calculation of the net buildable area for the parcel or lot to be divided shall be determined by the Community Development Director. This standard shall not apply to a multi-family zoning designation.*

**Finding: Not applicable.** The proposed partition would create a lot of 14,152 square feet for the existing house (parcel 2). While proposed parcel 2 could be further divided, due to the location of the existing house, the proposed partition cannot be further subdivided without demolishing it, which is not proposed. The applicant currently resides and intends to continue to reside in the house. Creation of a fourth parcel at this time would require that all dimensional standards for the proposed R-6 zone are required to be met pursuant to 17.12.040. Furthermore, new lots the abutting the higher classification road Maplelane Road are required to orient toward and have their front setback on Maplelane Road per OCMC 16.12.070. The available net building area, given these standards and the location of the existing home, is insufficient space

to facilitate a four lot subdivision. Should the home be demolished in the future in order to partition, all applicable zoning and land division standards would have to be met.

*D. A parcel of land in existence at the time this ordinance was adopted may be partitioned once if solely for the purpose of segregating one separate smaller parcel for an existing or proposed single-family house. The original parcel shall be exempt from the Lot Size Limitation for Partitions found in (C) above. The parcel to be created for the single-family house shall not contain sufficient lot area to allow further partitioning under the standards of the applicable existing zone including the use of administrative variances.*

**Finding: Not applicable.** See finding above under (C).

*16.16.015 Preapplication Conference Required.*

*Before the city will accept an application for a partition, the applicant must attend a preapplication conference under Section 17.50.*

**Finding: Complies as proposed.** The applicant attended the required pre-application conference (File PA 18-07).

*16.16.020 - Minor partition application submission requirements.*

*A minor partition application shall include twelve copies of the proposed partition to the community development director on a reproducible material, drawn at a minimum scale of one-inch equals one hundred feet with the following information:*

*A. A completed land use application form as provided by the planning division; B. Legal descriptions of the parent parcel(s) and a preliminary plat map; C. The name and address of the owner(s) and the representative, if any; D. County tax assessment map number(s) of the land to be partitioned; E. The map scale and north point; F. Approximate courses and dimensions of all parts of the partition; G. Around the periphery of the proposed minor partition, the boundary lines and names of adjacent minor partitions and subdivisions, streets and tract lines of adjacent parcels of property; H. The location, width and names of all existing or platted streets, other public ways and easements within the proposed partition, and other important features, such as the general outline and location of permanent buildings, pedestrian/bicycle access ways, watercourses, power lines, telephone lines, railroad lines, gas lines, water lines, municipal boundaries and section lines; I. All areas designated as being within an overlay district; J. A connectivity analysis may be required as directed at the pre-application conference. If required, the partition connectivity analysis shall be prepared by an engineer licensed by the state of Oregon which describes the existing and future vehicular, bicycle and pedestrian connections between the proposed partition and existing or planned land uses on adjacent properties. The connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed partition will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards and adopted Transportation System Plan, street design standards, and adopted concept plans, corridor and access management studies, engineering standards and infrastructure analyses. K. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide: 1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and 2. A letter or email from the applicable tribal cultural resource representative as designated by the Oregon Legislative Commission on Indian Services (CIS) and the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.*

*If, after forty-five days' notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, "ground disturbance" is defined as the movement of native soils.*

**Finding: Complies as proposed.** The development application included the necessary submittal requirements.

*16.16.025 - Frontage width requirement. For parcels of land created by a minor partition the parcels shall have a minimum of twenty feet of frontage on an existing public, county, state or federal road or street (unless as otherwise permitted in OCMC Chapter 16.16).*

**Finding: Complies as proposed.** All of the parcels will have more than 20 feet of frontage on a public road. Parcel 1 has 63 feet of frontage on Maplelane Road, but due to access restrictions it will take vehicle access from Clearwater Place via an easement. Parcel 2 had 111 feet of frontage on Maplelane and 156 feet of frontage on Clearwater. Parcel 3 has 64 feet of frontage on Clearwater. This standard is met.

*16.16.030 - Flag lots—R-10, R-8, R-6, and R-3.5.*

**Finding: Not Applicable.** No flag lots are proposed.

*16.16.035 - Pavement requirements. Accessways for lots created through the minor partitioning process shall satisfy the requirements of Sections 16.16.040 and 16.16.050. If the proposed accessway exceeds one hundred fifty feet in length the accessway shall conform to Fire District standards and shall be paved to a minimum width of twenty feet unless an alternative is approved by the Planning Division and Fire District. If more than two residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the city engineer and Fire District. Improvements shall comply with Chapter 16.12, Minimum Improvements and Design Standards for Land Divisions.*

**Finding: Complies as proposed.** The proposed access easement for Parcel 1 will be 103 feet long and only serve one residence. Therefore, this access does not need to be a 20-foot wide paved surface or provide a turnaround since it will not need to be used as a Fire District access. This standard is met.

#### **CHAPTER 16.12 - MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS**

*16.12.020 - Blocks—Generally. The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.*

**Finding: Not Applicable.** There are no new streets proposed with this land division, and therefore the shape of the existing blocks will not change.

*16.12.030 - Blocks—Width. The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed.*

**Finding: Not Applicable.** There are no new streets proposed with this land division, and therefore the shape of the existing blocks will not change.

*16.12.040 - Building sites. The size, width, shape and orientation of building sites shall be appropriate for the primary use of the land division, and shall be consistent with the residential lot size provisions of the zoning ordinance*

**Finding: Complies as proposed.** The size, width, depth, shape, and orientation of the planned parcels comply with the minimum requirements for the R-6 zone (17.12.040) as demonstrated above. This standard is met.

*16.12.045 - Building sites—Minimum density.*

*All subdivision layouts shall achieve at least eighty percent of the maximum density of the base zone for the net developable area as defined in Chapter 17.04.*

**Finding: Not Applicable.** This proposal is for a partition, not for a subdivision.

*16.12.050 - Calculations of lot area. A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone.*

**Finding: Not Applicable.** All of the lots will meet the minimum lot area of the R-6 zone.

*16.12.055 - Building site— Through lots. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography of existing development patterns.*

**Finding: Not Applicable.** No through lots are proposed.

*16.12.060 - Building site—Lot and parcel side lines. The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.*

**Finding: Complies as proposed.** The proposed lot lines and parcels run at right angles to the street upon which they face. This standard is met.

*16.12.065 - Building site—Grading. Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Chapter 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of Chapter 15.48, 16.12 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47 are met. Please refer to the preliminary plans for additional information.*

**Finding:** See findings under Chapter 15.48 and 13.12 of this report. Compliance with the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47 will be met at the time of building permit approval.

*16.12.070 - Building site—Setbacks and building location.*

*This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. The objective is for lots located on a neighborhood collector, collector or minor arterial street locate the front yard setback on and design the most architecturally significant elevation of the primary structure to face the neighborhood collector, collector or minor arterial street.*

**Finding: Complies with conditions.** Maplelane Road is classified as a minor arterial and Clearwater Place is a local street. The existing house on Parcel 2 is already oriented toward Maplelane Road. The applicant shall ensure that any new homes on Parcel 1 and 2 are oriented to Maplelane Road, with the most architecturally significant façade facing Maplelane Road and the front setbacks measured from Maplelane Road. Maplelane Road shall be identified as the front façade for fencing purposes. Parcel 3 is exempt from this standard, since it only fronts on Clearwater Place, a local street. **The applicant can meet this standard through the conditions of approval.**

*16.12.075 - Building site—Division of lots. Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the community development director shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites.*



**Finding: Complies as proposed.** Proposed Parcel 2 is 14,031 square feet, and therefore capable of redivision under the R-6 zoning standards. This parcel currently contains the existing house, which is located in such a way as to make the redivision of this parcel impractical at this time. However, if this house was removed in the future, it would be possible to create two lots with frontage on Clearwater Place. A separate minor partition application would be required if this were to occur. This standard is met.

*16.12.85 - Easements. The following shall govern the location, improvement and layout of easements:*

*A. Utilities. Utility easements shall be required where necessary as determined by the city engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the land division and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.*

**Finding: Complies with conditions.** A 10-foot wide utility easement is proposed to provide sanitary sewer access from Clearwater Place for proposed Parcel 1. The City Engineer has indicated that 10 feet is an adequate width for this easement. The easement will be required to be shown on the final plat. **The applicant can meet this standard through the conditions of approval.**

*B. Unusual Facilities.*

**Finding: Not Applicable.** There are no unusual facilities proposed or required within this development.

*C. Watercourses.*

**Finding: Not Applicable.** The land division is not traversed by a watercourse.

*D. Access. When easements are used to provide vehicular access to lots within a land division, the construction standards, but not necessarily width standards, for the easement shall meet city specifications. The minimum width of the easement shall be twenty feet. The easements shall be improved and recorded by the applicant and inspected by the city engineer. Access easements may also provide for utility placement.*

**Finding: Complies as proposed.** Maplelane Road, a County road, has restricted vehicle access in order to maintain higher vehicle speeds. Therefore a 10-foot wide access easement is proposed to provide Parcel 1 vehicle access to Clearwater Place. Because this access will not need to provide fire truck access to the house (since it is under 150 feet in length) the City Engineer has indicated that 10 feet is an adequate width for this easement. This standard is met.

*E. Resource Protection.*

**Finding: Not Applicable.** No inventoried natural or historic features have been identified on the site.

*16.12.090 - Minimum improvements—Procedures.*

*In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to city specifications and standards as set out in the city's facility master plan and Public Works Stormwater and Grading Design Standards.*

**Finding: Complies with conditions.** It is anticipated that Public Works review of civil construction plans will be required for the sidewalk improvements required along Maplelane Road, and for the extension of the Oregon City water main. This work will not commence until after construction plans have been reviewed and approved by the City Engineer. Inspections of the planned improvements, including erosion control measures are required. Upon completion of the improvements, as-built drawings will be filed with the City Engineer. **This standard can be met through the conditions of approval.**

*16.12.95 Minimum improvements—Public facilities and services.*

*The following minimum improvements shall be required of all applicants for a land division:*

*A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the city's planned level of service on all public streets, including alleys within the land division and those portions of public streets adjacent to but only partially within the land division.*

**Finding: Complies with conditions.** The Transportation Analysis Letter (Exhibit C) submitted with this application concludes that there will only be a nominal impact to adjacent public streets associated with this proposal. Of specific interest to the City was the potential impact the proposal would have on the Highway 213 and Beavercreek Road intersection. In the TAL the traffic engineer concludes that there will only be one AM peak hour trip and two PM peak hour trips associated though the OR 213/Beavercreek intersection with the development of two additional homes on the site. The applicant's submitted TAL was reviewed by John Replinger, PE, city transportation consultant. Mr Replinger recommended conditions of approval including participating in the funding of the planned improvements mentioned above, implementing frontage improvements, and addressing access issues.

OCMC 12.04.205.D.2 provides that applicants participate in intersection improvements to listed intersections. Based on the trip generation calculations provided by the applicant in #1, above and assumptions about trip distribution, the development is calculated to add one new PM peak hour trip (rounded to the nearest trip) to the Highway 213/Beavercreek Road intersection. The cost of the improvement planned for the intersection of Highway 213/Beavercreek Road is \$1.5 million; the predicted 2035 traffic volume at the intersection is 6859 PM peak hour trips; the proportional share is calculated to be \$219 per trip. This development is calculated to add one PM peak hour trip.

Street improvements are required and proposed abutting the site, and Transportation System Development Charges will be paid at the time of any new building permit for homes to be constructed on the new lots. With these requirements this standard can be met. **This standard can be met through the conditions of approval.**

*B. Stormwater Drainage System. Applicants shall design and install drainage facilities within land divisions and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development.*

**Finding: Complies as proposed.** The applicant is proposing to install water quality facilities on each of the individual parcels to treat runoff before it is released into the public storm sewer lines in Maplelane and Clearwater. These facilities will be sized and designed with the development of the parcels, based on the amount of new impervious surface proposed. Additionally, the new street improvements along Maplelane will be designed with a water quality facility to handle the impervious surface created by the new curb and sidewalk. It is anticipated that all of these water quality facilities will be a "low impact" design, such as a vegetated filter or swale in compliance with the applicable city code. No on-site detention is required due to the availability and capacity of the adjacent storm sewers, so no stormwater calculations are needed at this time. The approximate location of these facilities is shown on the partition plan. This standard is met.

*C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a land division in accordance with the city's sanitary sewer design standards, and shall connect those lots or parcels to the city's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county.*

**Finding: Complies as proposed.** Each of the parcels will be connected to the Oregon City public sewer in Clearwater Place. Parcel 1 will connect via a 10-foot wide utility easement across Parcels 2 and 3. The existing house on Parcel 2 will connect to the City sewer line (if required) prior to final plat approval. This standard is met.

*D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a land division in accordance with the city public works water system design standards, and shall connect those lots or parcels to the city's water system.*

**Finding: Complies with conditions.** Parcels 2 and 3 will connect directly to the City water main in Clearwater Place. The City Engineer has indicated that the city water line in Maplelane will need to be connected to the city line in Clearwater Place, to create a continuous looped line. **This standard can be met through the conditions of approval.**

*E. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the land division.*

**Finding: Complies with conditions.** A new sidewalk is proposed along the Maplelane Road frontage of the site, as required by the City and County. **This standard can be met through the conditions of approval.**

*F. Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the decision-maker may require the installation of separate bicycle lanes within streets and separate bicycle paths.*

**Finding: Complies with conditions.** It is anticipated that the required street improvements along Maplelane Road will also include a bicycle lane. This standard is met.

*G. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the city engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.*

**Finding: Not applicable.** No new streets or traffic control devices are required with this proposal.

*H. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all city regulations.*

**Finding: Not applicable.** No new streets lights are required with this proposal.

*I. Street Trees.*

**Finding: Complies with conditions.** Please refer to the analysis in section 12.08 of this report.

*J. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the city engineer.*

**Finding: Complies with conditions.** The final plat will reference a benchmark utilizing the datum specified by the City Engineer. This standard is met.

*K. Other. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.*

**Finding: Not applicable.** No other improvements are anticipated.

*L. Oversizing of Facilities*

**Finding: Not applicable.** All facilities will be properly sized to serve the lots created with this application and are not required to be oversized.

*M. Erosion Control Plan—Mitigation.*

**Finding: Complies with conditions.** Refer to the analysis in section 17.47 of this report.

#### *16.12.100 Same—Road standards and requirements*

**Finding: Not applicable.** No new public streets are proposed.

*16.12.105 Same—Timing requirements. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements.*

**Finding: Complies with conditions.** It is anticipated that construction of street improvements and water line extension will be finically guaranteed prior to final plat. The actual construction of these improvements will occur at the same time as the construction of the house on Parcel 1. This standard can be met.

*16.12.110 Minimum improvements—Financial guarantee. When conditions of permit approval require a permittee to construct certain improvements, the city may, in its discretion, allow the permittee to submit a performance guarantee in lieu of actual construction of the improvement.*

**Finding: Complies with conditions.** The financial guarantee for the public improvements will comply with the City's standard procedures described in this section. The applicant will submit the required performance guarantees prior to plat recordation. **This standard can be met through the conditions of approval.**

#### **CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES**

*12.04.003 Applicability. A. Compliance with this chapter is required for all land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements.*

**Finding: Complies with conditions.** The applicant intends to comply with the provisions of this chapter related to public street improvements as described above. **These standards can be met through the conditions of approval.**

*12.04.005 Jurisdiction and management of the public rights-of-way. A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right- of- way shall be done without the proper permit.*

**Finding:** The applicant understands that the City has jurisdictional management over Clearwater Place and Clackamas County has jurisdictional management over Maplelane Road. Therefore, planned improvements to Maplelane will be coordinated with Clackamas County.

*12.04.007 Modifications.*

**Finding: Not Applicable.** Modifications to these standards are not proposed with this land division.

*12.04.010 Construction specifications—Improved streets. All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next proceeding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer.*

**Finding: Complies with conditions.** The sidewalk and curb planned for Maplelane Road will comply with applicable portions of the City's construction standards and Transportation System Plan. **This standard can be met through the conditions of approval.**

*12.04.020 Construction specifications—Unimproved streets.*

**Not Applicable.** No unimproved streets are associated with this project.

12.04.25 - Street design—Driveway Curb Cuts.

A. One driveway shall be allowed per frontage. In no case shall more than two driveways be allowed on any single or two-family residential property with multiple frontages.

B. With the exception of the limitations identified in 12.04.025.C, all driveway curb cuts shall be limited to the following dimensions.

Single or Two-Family Dwelling with two Car Garage/Parking Space Minimum Driveway Width at sidewalk or property line: 12 feet Maximum Driveway Width at sidewalk or property line: 24 feet

The driveway width abutting the street pavement may be extended 3 feet on either side of the driveway to accommodate turn movements.

C. The decision maker shall be authorized to minimize the number and size of curb cuts (including driveways) as far as practicable.

D. For all driveways, the following standards apply:

1. Each new or redeveloped curb cut shall have an approved concrete approach and a minimum hard surface for at least ten feet back into the lot.

2. Driving vehicles, trailers, boats, or other wheeled objects across a sidewalk or roadside planter strip at a location other than an approved permanent or city-approved temporary driveway approach is prohibited.

3. Placing soil, gravel, wood, or other material in the gutter or space next to the curb of a public street with the intention of using it as a permanent or temporary driveway is prohibited.

4. Any driveway built within public street or alley right-of-way shall be built and permitted per city requirements as approved by the city engineer.

E. Exceptions. The public works director reserves the right to waive this standard, if it is determined through a Type II decision including written findings, that it is in the best interest of the public to do so.

**Finding: Complies with conditions.** Parcel 2, a corner lot, currently has a driveway approach on both Maplelane Road and Clearwater Place. Maplelane Road has restricted access, so when the new curb and sidewalk improvements are constructed along the site's frontage the driveway approach on Maplelane will be eliminated. The driveway off Clearwater Place shall be relocated so that the nearest portion of the driveway is 25 feet from the new right-of-way of Maplelane Road. Only one driveway each will be provided for the other two parcels, with driveway and curb cut design, dimensions, and spacing in accordance with the above requirements. **This standard can be met through the conditions of approval.**

12.4.30 Maintenance and repair. The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.

**Finding: Not applicable.** This is not a development standard. The future homeowner will be responsible for maintaining sidewalk and abutting curb.

12.4.31 Liability for sidewalk injuries.

**Finding: Not Applicable.** This is not a development standard. Any injuries incurred on public sidewalk will be administered when necessary, and is not related to this proposal

12.4.32 Required sidewalk repair.

**Finding: Not Applicable.** This is not a development standard. Any repairs to the public sidewalk will be administered when necessary, and is not related to this proposal.

12.4.33 City may do work.

**Finding: Not Applicable.** This is not a development standard. This criterion is related to repair of the sidewalk and will be administered when necessary.

12.4.34 Assessment of costs.

**Finding: Not Applicable.** This is not a development standard. This criterion is related to repair of the sidewalk and will be administered when necessary.

*12.04.040 Streets--Enforcement.*

**Finding: Not Applicable.** This is not a development standard. This criterion is related to repair of the sidewalk and will be administered when necessary.

*12.04.045 Street design – Constrained local streets and/or rights-of-way.*

**Finding: Not Applicable.** This is not a development standard. The proposal does not include any constrained local streets or rights-of-way.

*12.04.050 Retaining walls--Required.*

**Finding: Not Applicable.** As shown on the preliminary plan, the site is relatively flat so retaining walls are not necessary or required.

*12.04.060 Retaining walls--Maintenance.*

**Finding: Not Applicable.** As shown on the preliminary plan, the site is relatively flat so retaining walls are not necessary or required.

*12.04.070 Removal of sliding dirt.*

**Finding: Not Applicable.** As shown on the preliminary plan, the site is relatively flat so dirt sliding into the public right-of-way from the lot is unlikely.

*12.04.090 Excavations--Permit restrictions.*

**Finding: Not Applicable.** This criterion is applicable to a single excavation. The required street improvements will be permitted as part of a public works review and will be designed and certified by professional engineer.

*12.04.095 - Street Design—Curb Cuts. To assure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, such as a cul-de-sac or dead-end street, the decision maker shall be authorized to minimize the number and size of curb cuts (including driveways) as far as practicable.*

**Finding: Complies with conditions.** The applicant will comply with City standards regarding number and design of curb cuts and driveway approaches. These standards are addressed in detail in the submitted Transportation Analysis Letter. **This standard can be met through the conditions of approval.**

*12.04.100 Excavations – Restoration of Pavement. Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the city for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to put the street or alley in as good condition as it was before it was so broken, dug up or disturbed, and shall remove all surplus dirt, rubbish, or other material from the street or alley.*

**Finding: Complies with conditions.** The proposal includes work in the public right-of-way that will require pavement restoration, specifically the new waterline in Maplelane Road, and the individual utility connections for Parcels 1 and 3. After the work is complete, the applicant will restore the pavement in accordance with the city's standards. **This standard can be met through the conditions of approval.**

*12.04.120 Obstructions – Permit Required.*

**Finding: Not Applicable.** This proposal does not include or anticipate any obstructions.

*12.04.140 Obstructions--Nuisance--Penalty.*

**Finding: Not Applicable.** This proposal does not include or anticipate any obstructions.

*12.04.150 - Street and alley vacations—Cost.*

**Finding: Not Applicable.** The proposal does not include a street or alley vacation.

*12.04.160 Street vacations--Restrictions.*

**Finding: Not Applicable.** The proposal does not include a street or alley vacation.

*12.04.170 - Street design—Purpose and general provisions. All development shall be in conformance with the policies and design standards established by this Chapter and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for development, the city engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.*

**Finding: Complies with conditions.** The design of the street improvements along Maplelane Road will comply with all the requirements of this chapter and the City design standards. Additionally, because Maplelane Road is controlled by Clackamas County the street improvements will be reviewed and approved by County Staff as well. **This standard can be met through the conditions of approval.**

*12.04.175 Street Design--Generally.*

**Finding: Not Applicable.** No new public street is proposed with this land division.

*12.04.180 Street Design.*

**Finding: Not Applicable.** No new public street is proposed with this land division.

*12.04.185 Street Design--Access Control.*

**Finding: Not Applicable.** No new public street is proposed with this land division, so there will be no opportunity to create access control.

*12.04.190 Street Design--Alignment.*

**Finding: Not Applicable.** No new public street is proposed with this land division, so there will be no change to the alignment of the existing adjacent streets.

*12.4.194 Traffic Sight Obstructions.*

**Finding: Not Applicable.** No new public street is proposed with this land division.

*12.4.195 Spacing Standards.*

*A. All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in Figure 8 in the Transportation System Plan.*

**Finding: Not Applicable.** No new public street is proposed with this land division.

*B. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 12.04.195.B.*

*Street Functional Classification: Local Streets (Clearwater Place) Minimum distance from a street corner to a driveway for all uses: 25'*

**Finding: Complies with conditions.** The existing driveway on Clearwater Place for Parcel 2 is approximately 30 feet from the intersection with Maplelane Road. However, 16 feet of right-of-way dedication is required to accommodate the street improvements on Maplelane Road, which will leave this driveway about 15 feet from the intersection. This driveway shall be moved back from the intersection to meet the 25' standard, since this parcel has over 150 feet of frontage on Clearwater Place, and the standard can be met. **This standard can be met through the conditions of approval.**

*12.04.199 Pedestrian and Bicycle Accessways.*

**Finding: Not Applicable.** No new public streets are proposed with this land division, therefore there is no need for them to be replaced with a pedestrian or bicycle accessway.

*12.04.205 Mobility Standards. Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection D below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the Transportation System Plan or as otherwise identified by the City Transportation Engineer.*

*A. For intersections within the Regional Center, the following mobility standards apply...*

*B. For intersections outside of the Regional Center but designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply...*

*C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:*

*1. For signalized intersections...*

*2. For unsignalized intersections outside of the boundaries of the Regional Center:*

*a. For unsignalized intersections, during the peak hour, all movements serving more than 20 vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than 20 vehicles during the peak hour.*

*b. Until the City adopts new performance measures that identify alternative mobility targets, the City shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state- owned facilities:*

- I-205 / OR 99E Interchange*
- I-205 / OR 213 Interchange*
- OR 213 / Beavercreek Road State*
- Intersections located within or on the Regional Center Boundaries*

*1. In the case of conceptual development approval for a master plan that impacts the above references intersections:*

*a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and*

*b. Only those trips approved by a detailed development plan review are vested.*

*2. Development which does not comply with the mobility standards for the intersections identified in 12.04.205.D shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.*



**Finding: Complies with conditions.** The Transportation Analysis Letter (Exhibit C) submitted with this application concludes that there will only be a nominal impact to adjacent public streets associated with this proposal. Of specific interest to the City was the potential impact the proposal would have on the Highway 213 and Beaver Creek Road intersection. In the TAL the traffic engineer concludes that there will only be one AM peak hour trip and two PM peak hour trips associated through the OR 213/Beaver Creek intersection with the development of two additional homes on the site. The applicant's submitted TAL was reviewed by John Replinger, PE, city transportation consultant. Mr Replinger recommended conditions of approval including participating in the funding of the planned improvements mentioned above, implementing frontage improvements, and addressing access issues.

The un-signalized intersection of Maple Lane Road and Clearwater Place is not within the Regional Center, nor is it designated on the Arterial and Throughway Network. In the Transportation Analysis Letter (Exhibit C) submitted with this application, the applicant's traffic engineer concluded that the addition of two new houses on the site would only increase the AM peak-hour trips by one trip and the PM peak hour-trips by two trips. This small increase in trips will not affect the current level of service of the Maple Lane/Clearwater intersection. In addition the City adopted new Alternative Mobility Targets for the intersection of OR 213 and Beaver Creek Road this summer.

OCMC 12.04.205.D.2 provides that applicants participate in intersection improvements to listed intersections. Based on the trip generation calculations provided by the applicant in #1, above and assumptions about trip distribution, the development is calculated to add one new PM peak hour trip (rounded to the nearest trip) to the Highway 213/Beaver Creek Road intersection. The cost of the improvement planned for the intersection of Highway 213/Beaver Creek Road is \$1.5 million; the predicted 2035 traffic volume at the intersection is 6859 PM peak hour trips; the proportional share is calculated to be \$219 per trip. This development is calculated to add one PM peak hour trip.

Street improvements are required and proposed abutting the site, and Transportation System Development Charges will be paid at the time of any new building permit for homes to be constructed on the new lots. With these requirements this standard can be met. **This standard can be met through the conditions of approval.**

*12.04.210 Street design--Intersection Angles.*

**Finding: Not Applicable.** This land division proposal does not include any new streets, so there will be no change to the existing intersection angle of the adjacent streets.

*12.04.215 Street design--Off-Site Street Improvements.*

**Finding: Complies with Conditions.** As discussed in 12.04.205 above, the impact of the proposal will provide a proportional share contribution to provide off-site improvements. **This standard can be met through the conditions of approval.**

*12.04.220 Street Design--Half Street.*

**Finding: Not Applicable.** No half streets exist or are proposed with this land division.

*12.04.225 Street Design--Cul-de-sacs and Dead-End Streets.*

**Finding: Not Applicable.** No cul-de-sacs or permanent dead-end streets are proposed with this land division.

*12.04.230 Street Design--Street Names.*

**Finding: Not Applicable.** No new streets are proposed with this land division.

*12.04.235 Street Design--Grades and Curves.*

**Finding: Not Applicable.** No new streets are proposed with this land division.

*12.04.240 Street Design--Development Abutting Arterial or Collector Street. Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.*

**Finding: Complies with conditions.** The project site fronts onto Maplelane Road, which is classified as a minor arterial. Access to this Road is restricted by Clackamas County and none of the parcels are proposed to take access from Maplelane. **This standard can be met through the conditions of approval.**

*12.04.245 Street Design--Pedestrian and Bicycle Safety. Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic. All crosswalks shall include a large vegetative or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The decision maker may approve an alternative design that achieves the same standard for constrained sites or where deemed unnecessary by the City Engineer.*

**Finding: Complies as proposed.** The street system adjacent to the site is designed to City standards and Clearwater Place currently discourages non-local through traffic.

*12.04.255 Street design-Alleys.*

**Finding: Not Applicable.** No alleys are proposed.

*12.04.265 Street design--Planter Strips. All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb.*

**Finding: Complies with conditions.** As shown on the preliminary plans, the planter strip in Clearwater Place already exists and conforms to City standards. The new sidewalk improvements along Maplelane Road will include a new planter strip that will be planted with street trees in conformance with the requirements of Chapter 12.08 and any County requirements. **This standard can be met through the conditions of approval.**

*12.04.270 Standard Construction Specifications. The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application.*

**Finding: Complies with conditions.** Construction plans for the sidewalk improvements are planned to be submitted to the appropriate review agency and will comply with the applicable requirements. Once construction permits are obtained, the improvements will be constructed by a licensed general contractor in accordance with the approved plans and inspected for consistency with the plans. **This standard can be met through the conditions of approval.**

*12.04.280 Violation--Penalty. Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.*

**Finding: Complies as proposed.** The applicant understands that any act in violation of this Chapter is to be deemed a nuisance and be subject to code enforcement procedures.

## **Chapter 12.08 - PUBLIC AND STREET TREES**

### **12.8.15 - Street tree planting and maintenance requirements.**

*All new construction or major redevelopment shall provide street trees adjacent to all street frontages.*

*Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist.*

*A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage.*

*B. The following clearance distances shall be maintained when planting trees: 1. Fifteen feet from streetlights; 2. Five feet from fire hydrants; 3. Twenty feet from intersections;*

*4. A minimum of five feet (at mature height) below power lines.*

*C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.*

*D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.*

**Finding: Complies with conditions.** Street trees will be planted along the Maplelane Road frontage once the driveway is closed and the sidewalk improvements are installed. The frontage on Maplelane Road is 175 feet long, so it is anticipated that five trees will be required. The frontage along Clearwater Place measures approximately 236 feet so a minimum of seven trees are required on that frontage. There are six street trees already planted. The applicant shall provide a revised street tree plant in accordance with OCMC 12.08 prior to recordation of the final plat for the minor partition. All street trees shall be spaced to meet applicable public works requirements and shall be a minimum 2-inch caliper. A street tree plan will be submitted with the Public Works review showing the final species and spacing of the new street trees. **Applicant can meet this standard through the conditions of approval.**

### **12.08.020 - Street tree species selection.**

*The community development director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present.*

**Finding: Complies with conditions.** The species of street trees shall be selected from the Oregon City Street Tree List (or approved by a certified arborist) and planted in conformance with this Section. This standard can be met. **Applicant can meet this standard through the conditions of approval.**

### **12.08.025 - General tree maintenance.**

*Abutting property owners shall be responsible for the maintenance of street trees and planting strips.*

*Topping of trees is permitted only under recommendation of a certified arborist, or other qualified professional, if required by city staff. Trees shall be trimmed appropriately. Maintenance shall include trimming to remove dead branches, dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.*

**Finding: Complies as proposed.** General tree and planter strip maintenance is planned to be the responsibility of future home owners. This standard will be met.

### **12.08.035 - Public tree removal.**

*Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the*

community development director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the City, may be removed if replaced. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035. All new street trees will have a minimum two- inch caliper trunk measured six inches above the root crown. The community development director may approve off-site installation of replacement trees where necessary due to planting constraints. The community development director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City in accordance with Oregon City Municipal Code 12.08.

**Finding: Complies with conditions.** No public tree removal is proposed with the land division proposal, however, existing street trees may need to be removed along Clearwater Place to accommodate the new driveways for Parcel 1 and 3. Removal will be done in accordance with OCMC 12.08 and these street trees shall be replaced. **Applicant can meet this standard through the conditions of approval.**

12.08.040 - *Heritage Trees and Groves.*

**Finding: Not applicable.** The proposal will not designate or remove any heritage trees or groves.

### **Chapter 13.12 - STORMWATER MANAGEMENT**

13.12.050 - *Applicability and exemptions. This chapter establishes performance standards for stormwater conveyance, quantity and quality. Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.*

**Finding: Complies with conditions.** The Stormwater Management requirements apply to this project since more than 5,000 square feet of impervious surface will be replaced by development. Additionally, the construction of sidewalk improvements in Mapelane Road will require public stormwater conveyance and water quality facilities. **Applicant can meet this standard through the conditions of approval.**

13.12.80 - *Submittal requirements.*

A. *Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.*

B. *Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.*

**Finding: Complies with conditions.** The preliminary land division plat shows that each individual parcel will manage stormwater with water quality facilities that will treat runoff before it is released into the public storm sewer lines in Mapelane and Clearwater. These facilities will be sized and designed with the development of the parcels, based on the amount of new impervious surface proposed. Additionally, the new street improvements along Mapelane will be designed with a water quality facility to handle the additional impervious surface created by the new curb and sidewalk. It is anticipated that these water quality facilities will all be of a "low impact" design, such as a vegetated filter or swale. No on-site detention is required due to the availability and capacity of the adjacent storm sewers, so no stormwater calculations are needed at this time. **Applicant can meet this standard through the conditions of approval.**

13.12.090 - *Approval criteria for engineered drainage plans and drainage report. An engineered drainage plan and/or drainage report shall be approved only upon making the following findings: A. The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter. B. The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under Section 13.12.020. C. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system. D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open*

*channels or streams. E. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.*

**Finding: Complies with conditions.** A final stormwater report will be submitted with the Public Works review for the street improvements and will fully address stormwater management for the site. **Applicant can meet this standard through the conditions of approval.**

*13.12.100 - Alternative materials, alternative design and methods of construction.*

**Finding: Not Applicable.** The proposal does not include any alternative design methods requiring special approval by the City Engineer.

*13.12.120 - Standard construction specifications.*

*The workmanship and materials shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Stormwater and Grading Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Stormwater and Grading Design Standards shall be complied with.*

**Finding: Complies with conditions.** When constructed, the stormwater facilities will be in accordance with the Stormwater and Grading Design Standards that are in effect. **Applicant can meet this standard through the conditions of approval.**

#### **CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING**

*15.48.030 Applicability— Grading permit required.*

*A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities: 1. Grading activities in excess of ten cubic yards of earth; 2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site; 3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area; 4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or 5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.*

**Finding: Complies with conditions.** Grading activities for the street improvements and development of the lots will exceed ten cubic yards of earth; therefore, a grading permit will be required when this work commences. **Applicant can meet this standard through the conditions of approval.**

*15.48.090 Submittal requirements. An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required.*

**Finding: Complies with conditions.** The subject site is fairly flat, so it is anticipated that only nominal grading will be required to construct the sidewalk improvements along Mapelane Road, and a grading plan will be submitted along with the Public Works review. Residential Lot Grading Plans shall also be required as part of the house construction on Parcels 1 and 3. **Applicant can meet this standard through the conditions of approval.**

#### **CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL**

*17.47.030 - Applicability. A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City. B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to*

emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

**Finding: Complies with conditions.** The subject site is relatively flat, and the grading anticipated will be nominal, so it is unlikely there will be significant erosion concerns with this proposal. **Applicant can meet this standard through the conditions of approval.**

*17.47.060 - Permit required. The applicant must obtain an erosion and sediment control permit prior to, or contemporaneous with, the approval of an application for any building, land use or other city-issued permit that may cause visible or measurable erosion.*

**Finding: Complies with conditions.** It is anticipated that an Erosion Prevention and Sedimentation Control Plan will be provided to the City in conjunction with the future grading permits that will be required. **Applicant can meet this standard through the conditions of approval.**

*17.47.070 - Erosion and sediment control plans. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control.*

**Finding: Complies with conditions.** The Erosion Prevention and Sedimentation Control Plans that will be submitted with future grading permits will comply with all of the City of Oregon City public works standards. **Applicant can meet this standard through the conditions of approval.**

#### **CHAPTER 17.41 - TREE PROTECTION STANDARDS**

*17.41.020 - Tree protection—Applicability. 1. Applications for development subject to Chapters 16.08 or 16.12 (Subdivision or Minor Partition) or Chapter 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments.*

**Finding: Complies with conditions.** This application includes a Minor Partition therefore this section applies.

*17.41.030 - Tree protection—Conflicting code provisions. Except as otherwise specified in this section, where these standards conflict with adopted city development codes or policies, the provision which provides the greater protection for regulated trees or groves, as defined in Section 17.04, shall govern.*

**Finding: Not applicable.** No conflicts have been identified.

*17.41.040 - Same—Exemptions.*

**Finding: Not Applicable.** The proposal does not include a request for an exemption.

*17.41.50 - Same—Compliance options.*

*Applicants for review shall comply with these requirements through one or a combination of the following procedures:*

*A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections 17.41.060 or 17.41.070. All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.*

*B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections 17.41.080—17.41.100; or*

*C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections 17.41.110—17.41.120; or*

*D. Option 4—Cash-in-lieu of planting pursuant to Section 17.41.130. A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a certified arborist to be diseased or hazardous, pursuant to the following applicable provisions.*

**Finding: Complies with conditions.** There are 12 trees located on the project site that have been identified in the Arborist Report (Exhibit D) prepared and reviewed by a certified arborist. Three of the trees (#101, #108 and #112) are in poor health and will be removed. One of the trees identified by the arborist (#102) is only 5 inches DBH and is exempt from the tree preservation requirements. Of the eight remaining regulated trees, four will be removed and are identified in the detailed tree inventory plan included with the Arborist report. The remaining four will be preserved. The applicant is choosing to use a combination of Option 1 and Option 4, so the removed trees are subject to mitigation, which is described in more detail in Section 17.41.060 below. **Applicant can meet this standard through the conditions of approval.**

**17.41.60 - Tree removal and replanting—Mitigation (Option 1).**

*A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in Chapter 17.04 to the extent practicable. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. At the applicant's expense, the city may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under section 12.08—Community Forest and Street Trees.*

*B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:*

- 1. Trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2;*
- 2. Diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definition in Section 17.04.1360, may be removed from the tree replacement calculation*

**Table 17.41.060-1**

**Tree Replacement Requirements**

*All replacement trees shall be either:*

*Two-inch caliper deciduous, or*

*Six-foot high conifer*

| <i>Size of tree removed (DBH)</i> | <i>Column 1<br/>Number of trees to be planted.<br/>(If removed Outside of construction area)</i> | <i>Column 2<br/>Number of trees to be planted.<br/>(If removed Within the construction area)</i> |
|-----------------------------------|--|--|
| <i>6 to 12"</i>                   | <i>3</i>   | <i>1</i>   |
| <i>13 to 18"</i>                  | <i>6</i>   | <i>2</i>   |
| <i>19 to 24"</i>                  | <i>9</i>   | <i>3</i>   |
| <i>25 to 30"</i>                  | <i>12</i>  | <i>4</i>   |
| <i>31 and over"</i>               | <i>15</i>  | <i>5</i>   |

*Steps for calculating the number of replacement trees:*

- 1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.*

2. *Designate (in certified arborists report) the condition and size (DBH) of all trees pursuant to accepted industry standards.*
3. *Document any trees that are currently diseased or hazardous.*
4. *Subtract the number of diseased or hazardous trees in step 3. from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5. through 8.*
5. *Define the construction area (as defined in Chapter 17.04).*
6. *Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.*
7. *Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.*
8. *Determine the total number of replacement trees from steps 6. and 7.*

**Finding: Complies with conditions.** Three trees on the site (#101, #108 and #112) have been deemed diseased, hazardous, or invasive by the certified arborist. All of these trees will be removed in order to develop Parcels 1 and 3. Of the eight healthy trees left, four are proposed to be removed, and subject to replacement requirements.

- Trees #103, #104 and #105 are located within the construction area of Parcel 1. Each of these trees are between 6" and 12" in size and will be replaced with 3 new trees meeting the replacement tree standards of this section.
- Tree #107 is located on Parcel 1, outside of the construction area defined by 17.04. This 25- inch maple tree is in good health and is a quality tree. However, because this tree is so large protecting it would require a large root protection zone that would extend approximately halfway across Parcel 1. It is possible that this tree could be preserved depending on the specific development plan for the parcel, but if not, it will also need to be removed. If removed, 12 new replacement trees would be required, increasing the total number of replacement trees on the overall site from 3 to 15. In this situation the applicant would opt to use Option 4 – cash-in-lieu to mitigate for a portion of these trees, so that the new trees planted on the site will have adequate room to grow, ensuring their future health.

Tree #106, an 11-inch apple tree of fair quality, is located outside of the construction area for Parcel 1 defined by 17.04, and is in a location that allows it to be preserved on Parcel 1. This tree is shown to remain on the preliminary removal plan and will be protected during construction. The preliminary tree removal plan has been prepared and reviewed by a certified arborist.

The applicant shall finalize the mitigation plan pursuant to the options described above prior to recordations of a final plat for the property. **The applicant can meet this standard through the conditions of approval.**

**17.41.70** - *Planting area priority for mitigation (Option 1).*

*Development applications which opt for removal of trees with subsequent replanting pursuant to section 17.41.050A. shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:*

- A. *First Priority. Replanting on the development site.*
- B. *Second Priority. Off-site replacement tree planting locations. If the community development director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and must be approved by the community development director.*

**Finding: Complies with conditions.** Mitigation trees are planned to be planted on-site and/or cash-in- lieu of planting is to be paid in accordance with this chapter. **The applicant can meet this standard through the conditions of approval.**



17.41.075 - Alternative mitigation plan.

**Finding: Not Applicable.** The proposal does not include an alternative mitigation plan.

17.41.080 - Tree preservation within subdivisions and partitions—Dedicated tract (Option 2). 17.41.090 - Density transfers incentive for tree protection tracts (Option 2).

17.41.100 - Permitted modifications to dimensional standards (Option 2 only).

**Finding: Not Applicable.** The proposal is not using Option 2.

17.41.110 - Tree protection by restrictive covenant (Option 3). 17.41.120 - Permitted adjustments (Option 3 Only).

**Finding: Not Applicable.** The proposal is not using Option 3.

17.41.125 - Cash-in-lieu of planting (tree bank/fund) (Option 4). The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the community development director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.

**Finding: Complies with conditions.** Mitigation trees are planned to be planted on site, but cash-in-lieu will be used as a mitigation option if re-planting requirements will result in the new trees being too crowded on the site. **The applicant can meet this standard through the conditions of approval.**

17.41.130 - Regulated tree protection procedures during construction.

A. No permit for any grading or construction of public or private improvements may be released prior to verification by the community development director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the community development director.

B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:

1. Except as otherwise determined by the community development director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.
2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the community development director.
3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the community development director.
4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.
5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.
6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the community development director.
7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.

8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the community development director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.

9. The city may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.

10. The community development director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.

C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

**Finding: Complies with conditions.** Prior to any construction on Parcel 1 or 3, tree #106 which will be remaining on site shall be protected with perimeter fencing and signage meeting the requirements above. Additionally, if the applicant chooses to keep tree #107 it shall also be protected during construction. It is anticipated that the three trees on Parcel 2 that will remain (#109, #110 and #111) will be far enough away from the construction activities that protective fencing will not be necessary. The applicant shall add the language of code section 17.41.130 to all applicable construction plans.

**The applicant can meet this standard through the conditions of approval.**

#### **CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES**

##### *17.50.030 Summary of the City's Decision-Making Processes.*

**Finding: Complies as Proposed.** The proposed Subdivision and Zone Change application is being reviewed pursuant to the Type IV process. Notice was posted onsite, online and mailed to property owners within 300 feet of the proposed development site and posted in the paper.

##### *17.50.050 Preapplication Conference*

A. *Preapplication Conference.* Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference.

Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

B. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the city will accept a permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.

**Finding: Complies as Proposed.** The applicant submitted a request for a pre-application conference on the required form, and included a short explanatory narrative, preliminary site plan, and the appropriate fee. The pre-application conference (File PA 18-07) was held on February 7, 2018. The pre-application conference summary, provided by Oregon City Planning and Development Services, is included in the application materials. The application was filed with the City within six months of the pre-application conference. These criteria are met.

*17.50.055 Neighborhood Association Meeting*

**Finding: Complies as Proposed.** A neighborhood meeting with the Caufield Neighborhood Association was held on May 22, 2018. The required neighborhood meeting materials have been included in the application materials. This standard is met.

*17.50.060 Application Requirements.*

**Finding: Complies as Proposed.** All application materials required are submitted with this narrative. The applicant has provided full-size and two reduced size sets of plans to accompany the submittal items.

*17.50.070 Completeness Review and 120-day Rule.*

**Finding: Complies as Proposed.** This land use application was submitted on August 6, 2018. The application was deemed complete on August 16, 2018. The applicant granted a two-week extension of the 120-day planning deadline. The City has until December 28, 2018 to make a final determination.

*17.50.080 Complete Application--Required Information.*

**Finding: Complies as Proposed.** This land use application was submitted on August 6, 2018. The application was deemed complete on August 16, 2018.

*17.50.090 Public Notices.*

**Finding: Complies as Proposed.** Staff provided public notice within 300' of the site via mail, the site was posted with multiple Land Use Notices, posted on the Oregon City website and in a general circulation newspaper. Staff provided email transmittal of the application and notice to affected agencies, the Natural Resource Committee, Citizen Involvement Committee, and to all Neighborhood Associations requesting comment.

*17.50.100 Notice Posting Requirements.*

**Finding: Complies as Proposed.** The site was posted with a sign longer than the minimum requirement.

### **III. CONCLUSION AND RECOMMENDATION:**

Based on the analysis and findings as described above, Staff concludes that the Annexation AN-18-00002 is consistent with OCMC Title 14, Annexations, and recommends the following:

- As required by State Statute, The City Commission should find that this annexation is consistent with a positive balance of the factors set forth in OCMC Section 14.04.060 and complies with ORS 222.170(2).
- Recommend withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute.
- Recommend that the City Commission concur with Tri-City Service District's annexation of the subject property in the enacting ordinance.
- Recommend that the City Commission concur Clackamas River Water de-annexation of the subject property in the enacting ordinance.

- Recommend that the property annex to R-6 subject to the approval of ZC-18-00001 / MP-18-00004 as part of the concurrent Minor Partition and Zone Change Applications.

Staff further finds that the proposed Zone Change and Minor Partition for a parcel located at 14530 S Maplelane Rd Road, Oregon City, OR 97045 -Map: 3-2E-04DB-00500 can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, based on the application, staff recommends that the Planning Commission recommend approval to the City Commission of Planning files AN-18-00002, MP-18-00004, and ZC-18-00001 and adopt as its own this Staff Report and Exhibits.

#### **IV. EXHIBITS:**

1. Vicinity Map
2. Application
  - Cunningham – Application Table of Contents
  - Narrative
    - I. Summary of Proposal
    - II. Current Conditions
    - III. Annexation Approval Criteria
    - IV. Zone Change Approval Criteria
    - V. Land Division Approval Criteria
  - Exhibits
    - A. Site Plan/Supplemental Survey (4 full sized, 30 reduced)
    - B. Preliminary Partition Plan (4 full sized, 4 reduced)
    - C. Transportation Analysis Letter from Lancaster Engineering (2 copies)
    - D. Arborist Report and Tree Inventory from City Wide Tree Service (2 copies)
    - E. Caufield Neighborhood Association Meeting Minutes (2 copies)
    - F. Pre-App Conference Summary (2 copies)
  - Attachments
    - A. Application Form
  - Annexation
    - B. Petition from 100% of Land Owners (2 copies)
    - C. Legal Description of property to be annexed (2 copies)
    - D. List of property owners within 300 feet (2 copies)
    - E. Mailing Labels for property owners within 300 feet (1 copy)
    - F. Clackamas County Tax Map with property highlighted (2 copies)
  - Zone Change
    - G. Title Report (2 copies)
    - H. Sign-in Sheet from Neighborhood Meeting (2 copies)
    - I. Neighborhood Meeting – Issues Discussed (2 copies)
  - Minor Partition
    - J. Legal Descriptions of Proposed Parcels (2 copies)
    - K. Receipt from County Assessor's Office
3. Clackamas River Water (CRW) comments
4. Oregon City School District comments
5. Tri City Service District (TCSD) Annexation Packet
6. Replinger and Associates Comments
7. Applicant's 120-Day Extension Email
8. Public Notices

The complete application is available for review at the Planning Division.